Politics and Reformations: Communities, Polities, Nations, and Empires

Essays in Honor of Thomas A. Brady, Jr.

Edited by
Christopher Ocker, Michael Printy,
Peter Starenko & Peter Wallace

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Communities, Polities, Nations, and Empires

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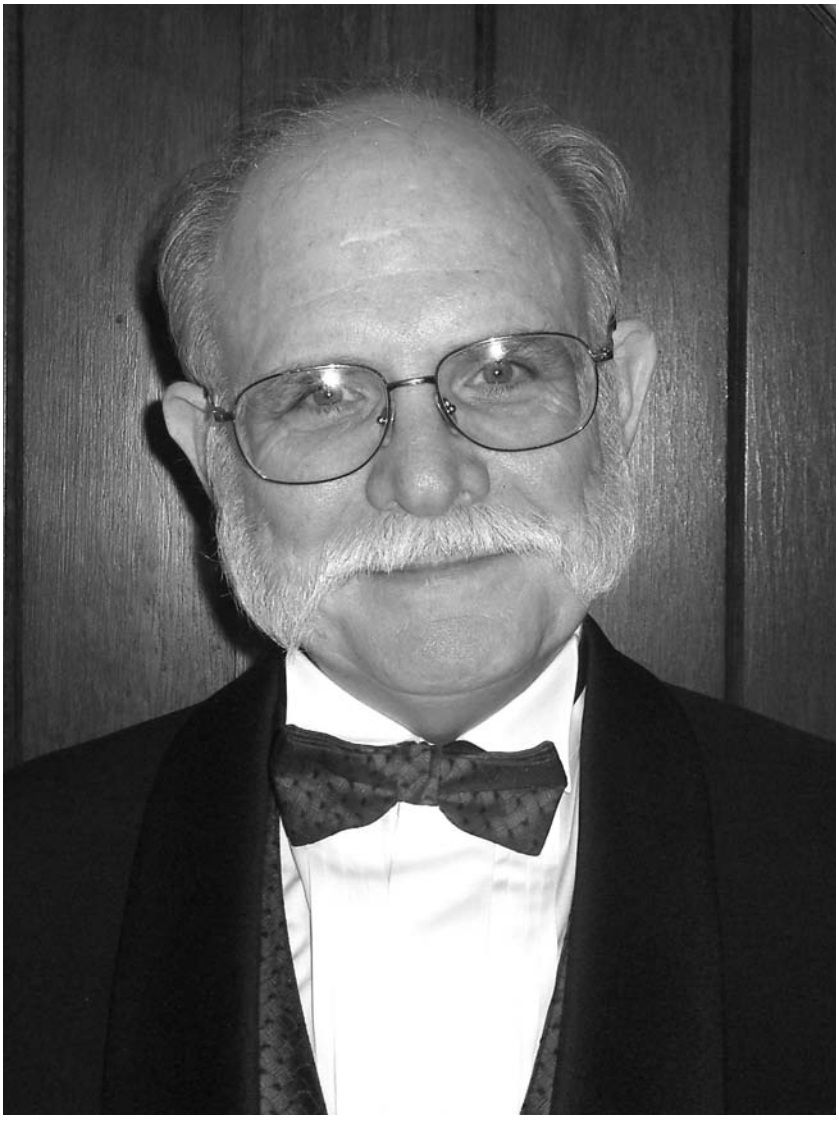

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PREFACE

Thomas A. Brady, Jr. joined the History Department of the University of Oregon in 1967, while completing a dissertation for the University of Chicago on the Strasbourg magistrate Jacob Sturm (d. 1553). At Oregon, he worked closely with his colleagues Roger Chickering, Joseph Esherick, Robert Berdahl, and Alan Kimball to build the History Department's reputation for scholarship. Brady and Chickering founded the monograph series, *Studies in German Histories*. In 1987, in recognition of his scholarly contributions and his commitment to undergraduate and graduate learning, Brady was designated President's Distinguished Professor of the Humanities. He moved to the University of California at Berkeley in 1991. In 2001 he was awarded Berkeley's Peder Sather Chair, culminating a distinguished career that has also included fellowships of the Alexander von Humboldt Foundation, the Fulbright Senior Research Program, the National Endowment for the Humanities, the John Simon Guggenheim Memorial Foundation, the Historisches Kolleg in Munich, the National Humanities Center, and the American Academy of Arts and Sciences. A consummate scholar, he is also known as a devoted teacher and mentor, a fact acknowledged by the American Historical Association, which awarded him the Nancy Lyman Roelker Mentorship Award in January 2004. That same year, nearly one hundred students, colleagues, and friends came to Berkeley for a symposium held in his honor. Many of the contributions to this volume are fruit of that gathering.

To acknowledge Tom's contribution to scholarship is to recognize his marriage to Katherine Gingrich Brady, who has been his closest collaborator in everything since 1964. In both the symposium and this Festschrift, we could imagine no better way to record the Bradys' mark on our lives than to show the effect of their continuing example and inspiration upon us. "The craft of history," Prof. James Tracy once noted, "is one that grows from sharing, not just among individuals and across national and ideological boundaries, but also between generations."[1] The Bradys' intellectual hospitality and generosity have been

[1] James D. Tracy, personal correspondence in connection with the Roelker Prize, 30 January 2003.

boundless to students, colleagues, and peers near and far, to which the number and diversity of contributions to this collection bear witness. Few scholars of early modern Germany in North America are untouched by the Bradys, and the same may be said of many, young and mature alike, in Europe.

Brady's writings cover a broad range of German history and historiography, as the following bibliography shows. Although to many he is closely associated with detailed archival research and the social history that has dominated the study of Early Modern Europe in his generation, it is hard to miss his preoccupation with the grand transformations of society and culture between the medieval and modern periods. It may be the impress of his Chicago teachers, Leonard Krieger, Hans Baron, Eric Cochrane, and Hanna Holborn Gray—intellectual historians, one and all, of the Renaissance and its legacies—or the medievalists John Mundy, with whom he studied at Columbia University before moving to Chicago, and Lester K. Little at Chicago. Brady's interests and teaching have ranged wider still, to include global history, Irish history, the history of religion, and many other things. We would be remiss not to mention the fact that few of his students, friends, or colleagues are likely to have known a greater amateur enthusiast of American, English, Irish, and German dialectology and Namenkunde. Characterizing Tom Brady's work is a daunting task indeed. The first two essays of this collection's companion volume (SMRT 127), by his distinguished friends Kaspar von Greyerz and Peter Blickle, offer personal interpretations and assessments of Brady's place in the guild of early modernists. We would like to emphasize how Brady's trajectory progressed through three monographs, from the microcosm of Strasbourg's ruling families during the crises of the 1520's to 1550's, through the frustrated political ambitions of south German cities in the early sixteenth century, to the politics of the Holy Roman Empire in the late medieval and early modern periods writ large.[2] These monographs are, to date, punctuated by fifty-five articles and book chapters, review essays, and volume introductions, many of which have crystalized and interpreted for English readers the spectacular blossoming of German social and

[2] Ruling Class, *Regime and Reformation at Strasbourg, 1520–1555* (Leiden: Brill, 1978); *Turning Swiss: Cities and Empire, 1450–1550* (Cambridge and New York: Cambridge University Press, 1985); *Protestant Politics: Jacob Sturm (1489–1553) and the German Reformation* (Atlantic Highlands, N.J.: Humanities Press, 1995); *The Politics of the Reformation in Germany* (Atlantic Highlands, N.J.: Humanities Press, 1997).

political histories over the last forty years;[3] others of which have reassessed bell-wether historians, from von Ranke to Hans Baron and Otto Brunner;[4] and many of which have shed new light on Strasbourg's early modern past. His translations of seminal works by German peers and his own contributions in German and French have made him a trans-Atlantic liaison in the republic of letters. Several particular honors testify to the uncommon respect he has won on both sides of the Atlantic: the German Studies Association Book Prize (in 1987, for *Turning Swiss*), the Prix d'honneur des Amis de Vieux-Strasbourg (in

[3] See especially "Phases and Strategies of the Schmalkaldic League: A Perspective after 450 years," *Archiv für Reformationsgeschichte* 74 (1983): 162–81; "From the Sacral Community to the Common Man: Reflections on German Reformation Studies," *Central European History* 20 (1987): 229–245; "The Common Man and the Lost Austria in the West: A Contribution to the German Question," *Politics and Society in Reformation Europe: Essays for Sir Geoffrey Elton on his 65th Birthday*, ed. E.I. Kouri and Tom Scott, (London: Macmillan, 1987), pp. 142–57; "In Search of the Godly City: The Domestication of Religion in the German Urban Reformation," *The German People and the Reformation*, ed. R. Po-Chia Hsia, (Ithaca: Cornell University Press, 1988), pp. 14–32; "Rites of Autonomy, Rites of Dependence: South German Civic Culture in the Age of Renaissance and Reformation," *Religion and Culture in the Renaissance and Reformation*, ed. Steven Ozment, Sixteenth Century Studies & Essays, vol. 11 (Kirksville, MO: Sixteenth Century Journal Publishers, 1989), pp. 9–24; "Some Peculiarities of German Histories in the Early Modern Era," *Germania Illustrata: Essays on Early Modern Germany Presented to Gerald Strauss*, eds. Susan Karant-Nunn and Andrew Fix, Sixteenth Century Studies and Essays, vol. 18 (Kirksville, MO: Sixteenth Century Journal Publishers, 1991), pp. 197–216; "The Holy Roman Empire's Bishops on the Eve of the Reformation," *Continuity and Change: The Harvest of Late Medieval and Reformation History. Essays Presented to Heiko A. Oberman on his 70th Birthday*, ed. Robert J. Bast and Andrew C. Gow (Leiden: Brill, 2000), pp. 20–47; "Zur Einführung: The German Reformation between Late Middle Ages and Early Modernity," *Die deutsche Reformation zwischen Spätmittelalter und Neuzeit*, ed. Thomas A. Brady, Jr., Schriften des Historischen Kollegs, Kolloquien, vol. 50 (Munich: R. Oldenbourg, 2001), pp. v–xx.

[4] For example, "Whose Land? Whose Lordship? The New Translation of Otto Brunner" *Central European History* 29 (1996): 227–34; "Ranke, Rom und die Reformation: Leopold von Rankes Entdeckung des Katholizismus" *Jahrbuch des Historischen Kollegs*, 1999: 43–60; "Robert W. Scribner, A Historian of the German Reformation," R. W. Scribner, *Religion and Culture in Germany (1400–1800)*, ed. Lyndal Roper, Studies in Medieval and Reformation Thought, vol. 81, (Leiden: Brill, 2001), pp. 9–28, and translated in: Robert W. Scribner, *Religion und Kultur in Deutschland 1400–1800*, ed. Lyndal Roper, trans. Wolfgang Kaiser, Veröffentlichungen des Max-Planck-Instituts für Geschichte, vol. 175 (Göttingen: Vandenhoeck & Ruprecht, 2002), pp. 21–40; "German Imperial Cities, Reformation, and Republicanism—the Legacy of Hans Baron," *Historische Anstöße. Festschrift für Wolfgang Reinhard zum 65. Geburtstag am 10. April 2002*, ed. Peter Burschel, et al. (Berlin: Akademie Verlag, 2002), pp. 40–54; "Reformation als Rechtsbruch—Territorialisierung der Kirchen im Heiligen Römischen Reich im europäischen Vergleich," *Die Säkularisation im Prozess der Säkularisierung Europas*, ed. Peter Blickle and Rudolf Schlögl, Oberschwaben—Geschichte und Kulture, vol. 13 (Tübingen: bibliotheca academica Verlag, 2005), pp. 141–154.

1998 for *Protestant Politics*), and the Ph.D. honoris causa granted by the University of Bern (in 1993).

The two volumes of this Festschrift are grouped into overlapping themes or problem-sets that have occupied Brady since his dissertation: the political quality of social life, social and cultural conflict and change, the specific communal histories of early modern Germany and Switzerland, the symbolic and actual politics of nation and empire, especially the Holy Roman Empire, and historiography in the sixteenth, nineteenth, and twentieth centuries. Accordingly, *Politics and Reformations: Histories and Reformations* (SMRT 127) begins with historiography (Histories) and proceeds to contributions treating Reformation and religion (Reformations). This volume begins with contributions that fall under a broad umbrella of communal histories (Communities), then progresses to politics in various manifestations (Polities), and ends with the Holy Roman Empire and empires of other kinds (Nations and Empires). If a golden thread runs through these essays, it would be Thomas A. Brady, Jr. himself, who in his first book offered a fresh perspective on early modern social class and the urban politics of reform and who has since taught us the many fascinations of studying a nation when it had no prevailing state.

The editors wish to acknowledge the hospitality and support of the Institute for European Studies at the University of California at Berkeley and the support of Chancellor Robert M. Berdahl, the Department of History, Dr. Ed Robisheaux, and the Graduate Theological Union at Berkeley. For permission to use images of works in their collections, we thank the Österreichische Nationalbibliothek, the Bibliothèque nationale de France, the Bancroft Library of the University of California, the Niedersächsisches Landesarchiv, the Kantonsbibliothek Thurgau, the Ostfriesische Landschaftsbibliothek, and the Staatsarchiv Nürnberg. Finally, we extend our gratitude to Prof. Andrew Gow for accepting these volumes in a series founded by his predecessor and Tom's close friend and colleague, the late Heiko Augustinus Oberman.

Christopher Ocker, Michael Printy, Peter Starenko, and Peter Wallace

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PART ONE

COMMUNITIES

THE CITY-STATE IN THE GERMAN-SPEAKING LANDS

Tom Scott

1

For Adam Smith the European city-states were both agents of economic change and the harbingers of political liberty, the former engendering the latter.[1] Recently, however, the link between economic and political freedom posited in *The Wealth of Nations* has been called into question, thereby reopening the entire issue of what made city-states distinctive.[2] The principal casualty of this critique has been Charles Tilly's counterpoint of civic capital and state coercion: cities which acquired sufficient autonomy buttressed their internal power structures and extended or consolidated control of their surrounding region by recourse to capital formation and economic exploitation, whereas states—both national monarchies and territorial principalities—preferred to mobilize the means of coercion, judicial, administrative, and above all military, which have commonly been called feudal.

In Tilly's eponymous study, *Coercion, Capital, and European States, AD 990–1992*, with its primary focus on Italy, the city-states north of the Alps were given short shrift, and the German city-states not mentioned at all.[3] This omission was barely rectified in the massive survey of thirty city-state cultures published in 2000 by the Danish political-science institute, *Polis*.[4] Although Switzerland was covered, the leading Flemish

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[1] Adam Smith, *The Wealth of Nations* (Everyman edn, London, 1991), III, iii–iv (pp. 351 ff.).

[2] S.R. Epstein, *Freedom and Growth. The rise of states and markets in Europe, 1300–1750* (Routledge Explorations in Economic History, 17) (London/New York, 2000), pp. 30–1.

[3] Charles Tilly, *Coercion, Capital, and European States, A.D. 990–1992*, revised edn (Cambridge, MA/Oxford, 1992). The stark contrast is modified in idem and Wim P. Blockmans (eds), *Cities and the Rise of States in Europe, A.D. 1000 to 1800* (Boulder, CO/San Francisco/Oxford, 1994), esp. the concluding essay by Wim P. Blockmans, 'Voracious states and obstructing cities: An aspect of state formation in preindustrial Europe', pp. 218–50.

[4] Mogens Herman Hansen (ed.), *A Comparative Study of Thirty City-State Cultures. An Investigation Conducted by the Copenhagen Polis Centre* (Det Kongelige Danske Videnskabernes Selskab, Historisk-filosofiske Skrifter, 21) (Copenhagen, 2000).

cities, the *drie steden* of Ghent, Bruges, and Ypres, were excluded; and while its editor, Mogens Herman Hansen, was prepared to concede that the German imperial cities qualified as city-states, they failed to meet his criteria of 'a city-state culture'.[5] This bizarre distinction may have encouraged the author of the chapter on the German imperial and free cities, Peter Johanek, to conclude his brief survey with the despairing (or ironic) remark: 'Were the towns of the Empire in the Middle Ages and in early modern times city-states? I do not know. Certainly not all of them were.'[6]

Yet those who have studied the German cities in possession of landed territories in detail have rarely displayed similar inhibitions. Christopher Friedrichs is confident that '[t]hey met almost all the criteria that define city-states'.[7] For his part, Peter Moraw, in noting that '[c]ities large and small took their first steps from economics to politics by controlling their adjacent countrysides', follows the consensus of opinion that 'cities ruled "feudally", as if they were territorial princes'[8]—coercers, in other words, not capitalists. Eberhard Isenmann shares this verdict, but sees the German cities in this respect as echoing the Italian city-states' control of their *contadi*.[9] Tom Brady, who has done so much to further our understanding of the role of the cities within the framework of the imperial constitution, concludes his analysis of the south German-Swiss zone of the central European 'urban belt' by affirming: 'One of their distinguishing marks was their formation, based on nearby lands and subjects they acquired through purchase, conquest, grant, and mortgage, of genuine city-states.'[10]

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[5] Mogens Herman Hansen, 'Introduction. The concepts of city-state and city-state culture', in idem, *Thirty City-State Cultures*, pp. 11–34, esp. 17, 20, 29.

[6] Peter Johanek, 'Imperial and free towns of the Holy Roman Empire—city-states in pre-modern Germany?', in Hansen, *Thirty City-State Cultures*, pp. 295–319, here at 308.

[7] Christopher Friedrichs, 'The Swiss and German city-states', in Robert Griffeth and Carol G. Thomas (eds), *The City-State in Five Cultures* (Santa Barbara, CA/Oxford, 1981), pp. 109–42, here at 110.

[8] Peter Moraw, 'Cities and citizenry as factors of state formation in the Roman-German Empire of the late Middle Ages', in Tilly and Blockmans, *Cities and the Rise of States*, pp. 100–27, here at 106–7.

[9] Eberhard Isenmann, *Die deutsche Stadt im Spätmittelalter: 1250–1500. Stadtgestalt, Recht, Stadtregiment, Kirche, Gesellschaft, Wirtschaft* (Stuttgart, 1988), p. 238.

[10] Thomas A. Brady, Jr, 'Cities and state-building in the south German-Swiss zone of the "urban belt"', in Peter Blickle (ed.), *Resistance, Representation, and Community* (*The Origins of the Modern State in Europe, 13th to 18th Centuries, Theme E*) (Oxford, 1997), pp. 236–50, here at 236.

This discrepancy between theoretical deficiency and empirical achievement should encourage us to look afresh at the city-state in Germany. For despite the welter of local studies and some comparative surveys a comprehensive analysis of German cities and their territories is still lacking. Nor shall it be attempted here. Rather, the following remarks are deliberately stochastic in approach; that is to say, they concentrate on the six largest city-states in Germany (excluding Switzerland) so as to avoid the hazard of presuming any similarities based on geographical location, constitutional type, or economic performance. Indeed, the city-states—in rank order Nuremberg, Ulm, Erfurt, Rothenburg ob der Tauber, Schwäbisch Hall, and Rottweil[11]—display in their territorial expansion such a variety of strategy, policy, and chronology that it may be wondered whether any common features may be discerned at all. My procedure is to examine each city and its territory in turn, and then in the concluding section to offer some general reflections and to broach questions which still await further investigation.[12]

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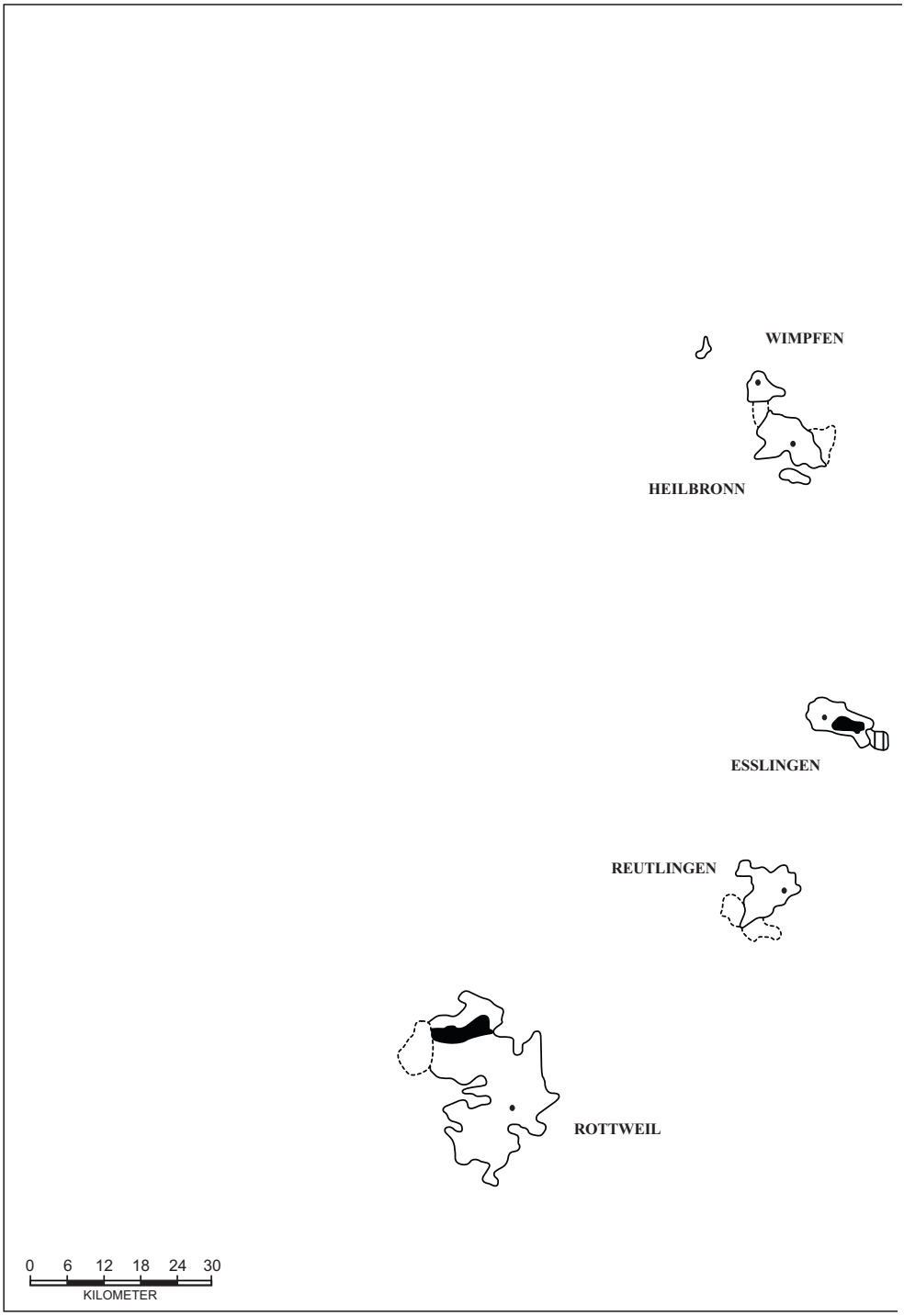
The Franconian metropolis Nuremberg emerged as the largest city-state in Germany by a considerable margin, covering 1200 km^2 after the acquisition of the *Neue Landschaft* in 1504/05 and other lordships in the course of the sixteenth century.[13] Its growth, therefore, was relatively

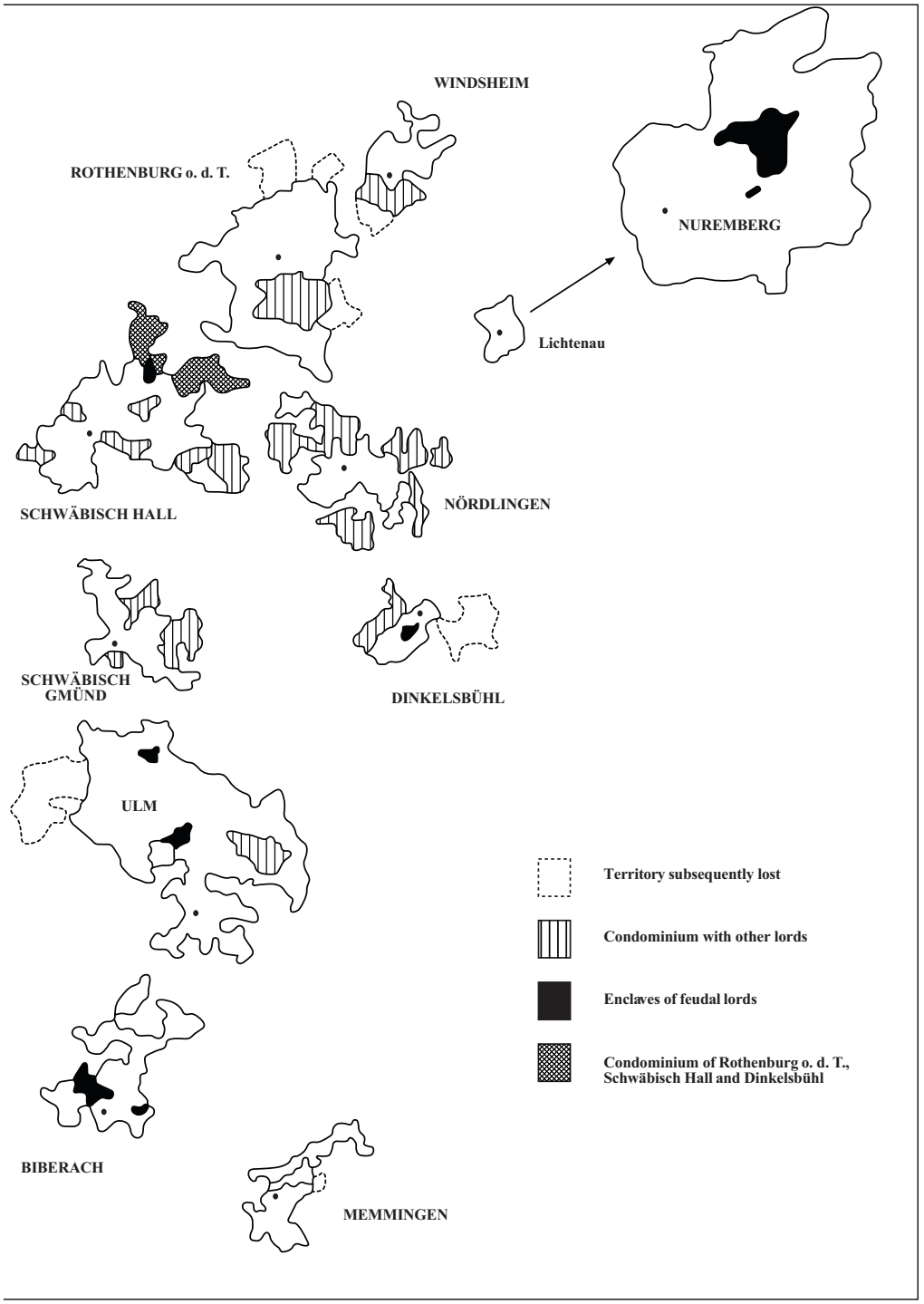
[11] Strasbourg ranks sixth equal with Rottweil, but has been excluded from discussion on grounds of space and complexity: its territory was ruled both directly and indirectly, and the latter jurisdictions more than doubled the size and population of the former. See Gerhard Wunder, *Das Straßburger Gebiet. Ein Beitrag zur rechtlichen und politischen Geschichte des gesamten städtischen Territoriums vom 10. bis zum 20. Jahrhundert* (Schriften zur Verfassungsgeschichte, 13) (Berlin, 1965), p. 105.

[12] See the remarks by Tom Scott, 'Town and Country in Germany, 1350–1600', in S.R. Epstein (ed.), *Town and Country in Europe, 1300–1800* (Themes in International Urban History, 5) (Cambridge, 2001), pp. 202–28; expanded version as 'Town and country in the German-speaking lands, 1350–1600' in Tom Scott, *Town, Country, and Regions in Reformation Germany* (Studies in Medieval and Reformation Traditions, 106) (Leiden/Boston, MA, 2005), pp. 225–61.

[13] Wolfgang Leiser, 'Das Landgebiet der Reichsstadt Nürnberg', in Rudolf Endres (ed.), *Nürnberg und Bern. Zwei Reichsstädte und ihre Landgebiete* (Erlanger Forschungen, A 46) (Erlangen, 1990), p. 227. This datum revises the figure of 1500 km^2 given by Gerd Wunder, 'Reichsstädte als Landesherrn [*recte*: Landesherren]', in Emil Meynen (ed.), *Zentralität als Problem der mittelalterlichen Stadtgeschichtsforschung* (Städteforschung. Veröffentlichungen des Instituts für vergleichende Städtegeschichte in Münster, A 8) (Cologne/Vienna, 1979), p. 79. The view propounded by several modern English-language



Map 1. Selected Imperial Cities of Swabia and Franconia and their Territories to circa 1600.


WINDSHEIM
ROTHENBURG o. d. T.
NUREMBERG
Lichtenau
SCHWÄBISCH HALL
NÖRDLINGEN
SCHWÄBISCH GMÜND
DINKELSBÜHL
ULM
BIBERACH
MEMMINGEN
Territory subsequently lost
Condominium with other lords
Enclaves of feudal lords
Condominium of Rothenburg o. d. T., Schwäbisch Hall and Dinkelsbühl

late, though the city had already gained some indirect influence over the administration of the imperial forests of St Sebald and St Lorenz in the mid-thirteenth century by virtue of the oaths of loyalty which the council was able to impose upon the hereditary foresters who were prominent members of the city's patriciate. By the end of the fourteenth century the city had bought up the two superintendencies of the St Lorenz forest from the ministerial families of the Coler (in 1372) and the Waldstromer (in 1396), and Nuremberg rounded off its control by acquiring rights over the St Sebald forest from the Hohenzollern burgraves of Nuremberg in 1427.[14] The immediate advantage to the city lay in securing access (*Öffnungsrecht*) to important noble strongholds in the vicinity in time of trouble,[15] but the wider benefit derived from woodland as an economic resource: it provided not only timber for building, crafts, and domestic heating, but above all charcoal, as the name Coler (Köhler) itself indicates.[16] Yet the city never gained exclusive jurisdiction—sovereignty—over the former imperial forests, for the burgraves of Nuremberg (from 1415 onwards margraves of Brandenburg) retained rights of escort and the chase, and no agreement was reached on the assignment of capital jurisdiction. This anomaly gave rise to repeated lawsuits and even military skirmishes with the margraves in the centuries to come.[17]

By the early fifteenth century Nuremberg as a city still possessed very little landed territory beyond the two forests; indeed, its first deliberate purchase, the castle and township of Lichtenau together with twenty-nine villages, which lay at some remove to the southwest, from the

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scholars that Nuremberg's territory amounted to no more than 80 km^2 (25 sq. miles) is nonsensical. See most recently David Nicholas, *The Later Medieval City, 1300–1500* (London/New York, 1997), p. 98, though it now has been silently corrected in his *Urban Europe, 1100–1700* (Houndmills, Hants/New York, 2003), p. 53.

[14] Heinz Dannenbauer, *Die Entstehung des Territoriums der Reichsstadt Nürnberg* (Arbeiten zur deutschen Rechts- und Verfassungsgeschichte, 7) (Stuttgart, 1928), pp. 112–14; Fritz Schnelbögl, 'Die wirtschaftliche Bedeutung ihres Landgebiets für die Reichsstadt Nürnberg', in Stadtarchiv Nürnberg (ed.), *Beiträge zur Wirtschaftsgeschichte Nürnbergs*, 1 (Beiträge zur Geschichte und Kultur der Stadt Nürnberg, 11/1) (Nuremberg, 1967), pp. 267–9; Wolfgang Wüllner, *Das Landgebiet der Reichsstadt Nürnberg* (Mitteilungen der Altnürnberger Landschaft, 19th year, supplement) (Nuremberg, 1970), p. 12. The Coler and Waldstromer, however, continued as hereditary administrators.

[15] Dannenbauer, *Entstehung*, p. 115.

[16] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 268.

[17] Dannenbauer, *Entstehung*, p. 114. This intractable situation was a proximate cause of the war with the Palatinate (War of the Bavarian Succession) in 1504. Cf. Wüllner, *Landgebiet*, p. 12.

barons von Heideck in 1406 for 9706 fl. was passed on to its citizen, Heinrich Rummel, the council merely retaining the title of overlord, until finally integrated into the territory in 1478.[18] Even so, Lichtenau remained an exclave, whose usefulness lay in its nuisance value as an outpost of military significance on the doorstep of margravial Ansbach.[19] For most of that century Nuremberg's influence over its hinterland was exercised vicariously through the estates, rents, and jurisdictional rights held by its citizens—principally by the patrician families eligible for council membership, but by commoners as well—stretching over a radius of 30 kms.[20] On occasion, however individual burghers acted as stalking-horses for the collective purposes of magisterial policy: this may well have been the case with Lichtenau.[21] A similar end could be achieved by insisting on reversionary rights. When the patrician family of Geuder bought the district (*Amt*) of Heroldsberg to the east of the St Sebald forest in 1391 (in whose hands it was destined to remain), it had to promise that Nuremberg citizens should enjoy exclusive rights of pre-emption, while peasants under the Geuders' landlordship were treated as subjects of the city.[22] Alternatively, rural territory was acquired and administered by civic foundations, such as the imperial mortgage of Wendelstein, three-quarters of which was taken over by the Holy Ghost Hospital in 1467, the remaining quarter falling to the margraves of Brandenburg-Ansbach. Thereafter the district was administered as a condominium, with capital jurisdiction shared between Nuremberg and Brandenburg-Ansbach.[23]

By 1500, therefore, Nuremberg's territory was modest in size; it was far from being a *territorium clausum*. Indeed, the council appears content to have exercised influence in oblique fashion. That situation was to change dramatically—but fortuitously—in the first decade of the sixteenth century. The castle and surrounding district of Hiltpoltstein to the north of the city had been mortgaged to Fritz von Seckendorff, whose family were

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[18] Dannenbauer, *Entstehung*, pp. 149–52; Karl-Friedrich Krieger, 'Bürgerlicher Landbesitz im Spätmittelalter. Das Beispiel der Reichsstadt Nürnberg', in Hans K. Schulze, *Städtisches Um- und Hinterland in vorindustrieller Zeit* (Städteforschung. Veröffentlichungen des Instituts für vergleichende Städtegeschichte in Münster, A 22) (Cologne/Vienna, 1985), p. 94; Wüllner, *Landgebiet*, p. 12.

[19] Dannenbauer, *Entstehung*, p. 152.

[20] Krieger, 'Bürgerlicher Landbesitz', pp. 81, 83.

[21] Krieger, 'Bürgerlicher Landbesitz', p. 94.

[22] Dannenbauer, *Entstehung*, pp. 7–8, 122–3.

[23] Dannenbauer, *Entstehung*, pp. 11–12, 128.

long-standing partisans of the margraves.[24] In 1503 the mortgage was redeemed and transferred to Nuremberg for 6000 fl., excluding rights of access to the castle and explicitly reserving the right of redemption. Why the city chose to acquire the mortgage is unknown—perhaps it was simply an opportunity purchase.[25] But it marks the beginning of a fateful two years, which saw the city sucked into the dispute over the succession to the duchy of Bavaria-Landshut. The city was increasingly seen as an obstacle to the aim of territorial consolidation pursued by the Hohenzollerns as margraves of Brandenburg and the Wittelsbachs as rulers of the Palatinate and Bavaria, especially since Nuremberg lay as pig in the middle between the margravial territories of Ansbach and Bayreuth, and had already been embroiled in a passage-of-arms with Brandenburg-Ansbach at Affalterbach in 1502.[26]

The wider diplomatic background to the conflict may safely be ignored; what counted was Nuremberg's decision to seize the opportunity to go onto the offensive (its motives undoubtedly preventative) by invading the lands to the east, capturing the towns of Lauf, Hersbruck, Altdorf, Gräfenberg, and Velden in the summer of 1504. The incursion was not altogether unpremeditated: the council had sought to enlist emperor Maximilian's support in advance of its raid.[27] Moreover, Nuremberg had already signed an accord that February with duke Albrecht of Bavaria-Munich to acquire Hersbruck, Heideck, or Hilpoltstein for 10,000 fl., though the latter two districts were somewhat remote from the city, lying directly to the south beyond Roth.[28] In the end, Hersbruck was retained, along with the other conquests, and the entire lands—the so-called *Neue Landschaft*—confirmed by imperial privilege the following year. If the city believed that all would thereafter be plain sailing, it was to be much deceived. The Palatinate showed considerable reluctance to accept the *Neue Landschaft* as a *fait accompli* and brought the issue before the imperial diet in Augsburg in 1518. When agreement was finally reached in 1520, Nuremberg had to pay the Palatinate 37,000 fl. in compensation; only three years later was a

[24] See Hillay Zmora, *State and nobility in early modern Germany: The knightly feud in Franconia, 1440–1567* (Cambridge, 1997), p. 64.

[25] Dannenbauer, *Entstehung*, p. 153; Wüllner, *Landgebiet*, p. 12.

[26] Dannenbauer, *Entstehung*, pp. 168–9; Schnelbögl, 'Wirtschaftliche Bedeutung', p. 284; Zmora, *State and nobility*, p. 33.

[27] Dannenbauer, *Entstehung*, p. 184.

[28] Dannenbauer, *Entstehung*, p. 186. Hilpoltstein south of Roth should not be confused with the *Amt* of Hiltpoltstein to the north of Nuremberg.

treaty establishing a clear frontier and escort-rights, and therewith the boundaries of higher criminal jurisdiction (*Fraisch*), concluded.[29] The entire cost of the war to the city was put at 160,000 fl., not including ordnance and *matériel*, which came to another 200,000 fl., making a colossal 360,000 fl. in total. As the city secretary, Lazarus Spengler, drily observed, the council could, if it had wanted, have acquired the districts much more simply and cheaply by straightforward purchase.[30]

In the years immediately following the acquisition of the *Neue Landschaft*, the council directed its efforts towards securing those strongholds on its new territory which it did not already control—the castles of Hohenstein (1505), Hauseck (1507), and Wildenfels (1511), all to the north-east—and rounded off its jurisdiction with the estates held by the convent of Bergen in Neuburg an der Donau around Hersbruck, the so-called provostry of Hersbruck (finally accomplished for the sum of 14,557 fl. in 1529).[31] Only then could Nuremberg claim to have achieved a *territorium clausum* in the *Neue Landschaft*. But between it and the original possessions to the west lay a sizeable enclave which was never brought under civic control: the lordship of Rothenberg, with around fifty villages, which from 1478 onwards was a coparceny of Franconian knights until it fell to Bavaria in the seventeenth century.[32] Rothenberg was a particularly sore point, since one of the coparceners, Konrad Schott, in launching a notorious feud against Nuremberg in 1498 which posed a grave threat to the city's commerce, may secretly have been acting on behalf of margrave Friedrich of Brandenburg-Ansbach.[33] Other smaller enclaves also remained: Hohenstadt by

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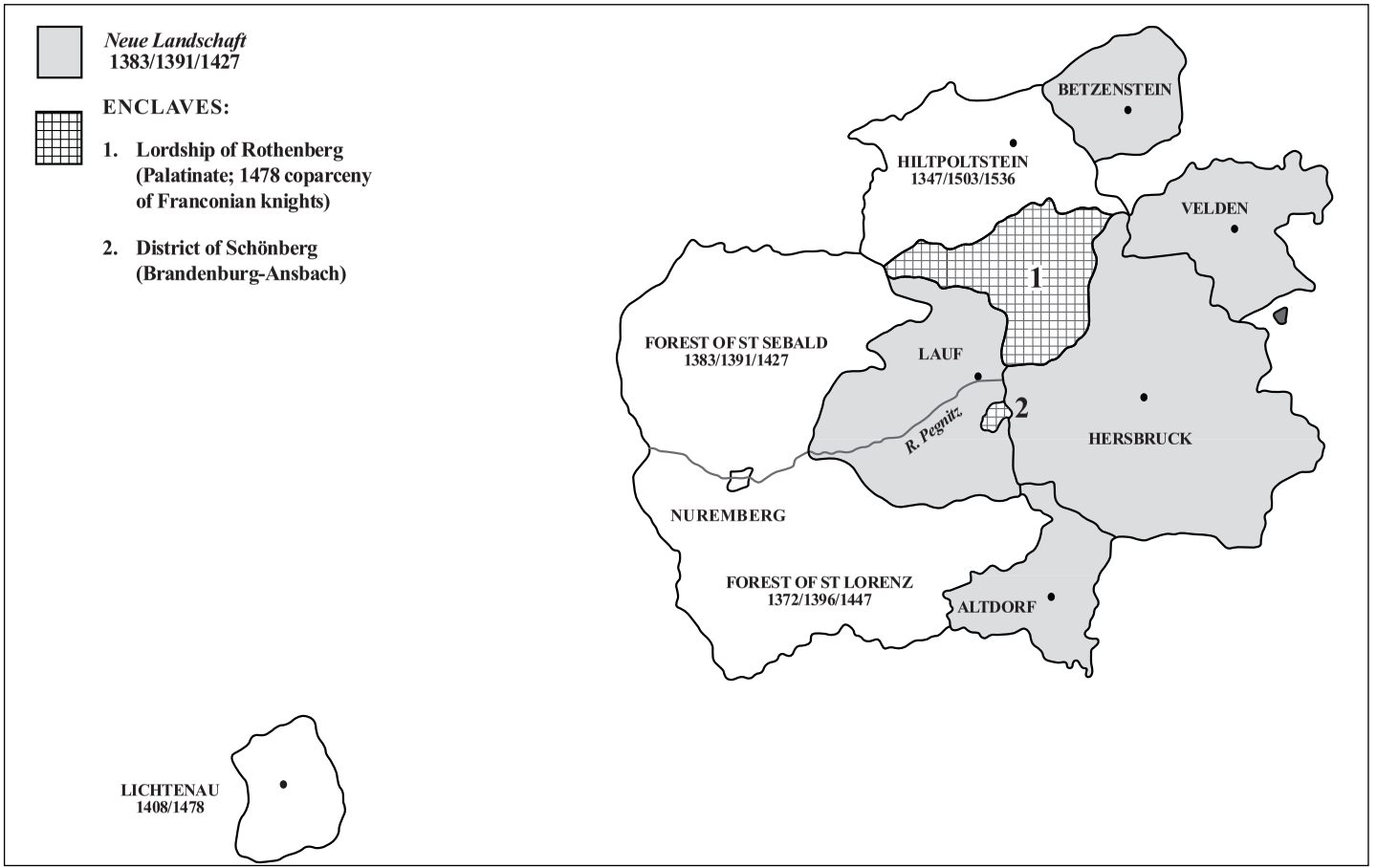
[29] Dannenbauer, *Entstehung*, pp. 189, 195–7, 200; Schnelbögl, 'Wirtschaftliche Bedeutung', p. 285.

[30] Dannenbauer, *Entstehung*, pp. 200–1; Schnelbögl, 'Wirtschaftliche Bedeutung', p. 306. Spengler's account is in Staatsarchiv Nuremberg, Amts- und Standbücher, no. 142, fo. 166v–167r: *dan wie der… Römer Salustrius spricht, so mag yderman gar gerincklich in einen krieg komen vnd desselben nit schwer ein anhenger sein, aber das aufhören deßselben stet nachmaln nit in seiner sunder seines widertails willen… und bedarf nit zweyfels, ein Erber Rate hette die flecken, die sy in disem krieg erobert, vil mit einem ringern dan disen mercklichen costen kaufsweyse an sich gepracht, darumb ein yde oberkait in der geleichen treffenlichen sachen vnnd hanndlungen vor anfang derselben gelegenhait alles ires wesenns bedenncken vnnd zw synnen nemen soll.* It is not included in Berndt Hamm and Wolfgang Huber (eds), *Lazarus Spengler. Schriften*, 1 (Quellen und Forschungen zur Reformationsgeschichte, 61) (Gütersloh, 1995).

[31] Dannenbauer, *Entstehung*, pp. 203–5; Schnelbögl, 'Wirtschaftliche Bedeutung', pp. 283, 307; Wüllner, *Landgebiet*, p. 13.

[32] Schnelbögl, 'Wirtschaftliche Bedeutung', pp. 285, 310; Wüllner, *Landgebiet*, p. 19.

[33] Zmora, *State and nobility*, pp. 26, 29–31; Schnelbögl, 'Wirtschaftliche Bedeutung', p. 284. This was the background to the battle of Affalterbach in 1502.



Map 2. Territory of Nuremberg in the Sixteenth Century.

Hersbruck (Brandenburg-Bayreuth), the district of Schönberg (Brandenburg-Ansbach), and the fortress of Hohenstein and the abbey of Weißenohe (Palatinate).[34]

With that, Nuremberg's territory was virtually complete. From one of its leading patrician dynasties, the Holzschuher, it acquired one-third of Gräfenberg in 1536 and the remaining two-thirds in 1547, thereby consolidating its jurisdiction in the stewardship (*Pflegeamt*) of Hiltpoltstein.[35] In mid-century the financial difficulties of count Palatine Ottheinrich led him to mortgage parts of his territory of Palatinate-Neuburg to Nuremberg—the *Ämter* of Heideck, Hilpoltstein (which the city had considered in 1504), and Allensberg—for 140,000 fl. for thirty-six years, though the city had to raise part of the asking-price with loans from Augsburg and Ulm.[36] From the vantage-point of the end of the sixteenth century, therefore, Nuremberg's territory may present a picture of formidable extent and cohesion. In reality, not only did high jurisdiction over the *Alte Landschaft* remain contested between the city and the margraves of Brandenburg until the end of the old Empire,[37] the *Neue Landschaft*, too, gave rise to lawsuits before the imperial court of chancery up to 1806,[38] while the exclave of Lichtenau was the subject of repeated negotiations over a possible exchange of territory with the margraves until well into the seventeenth century.[39] Moreover, in the Second Margrave's War from 1552 the districts of Altdorf, Hersbruck, Lauf, and Betzenstein were ravished or held to ransom, the costs of the conflict and damage to property being estimated at around 1.8 million fl.[40]

As a commercial metropolis, according to Wolfgang Wüllner, Nuremberg had only a limited interest in acquiring a landed territory and made no effort to align the economy of its hinterland to the needs of urban artisans and manufacturers.[41] This verdict combines perspicacity with error. It is perfectly true that Nuremberg's treatment of its surrounding countryside was shaped by commercial needs: to ensure the safety of the major arteries of trade, the 'Saxon (or Vogtland) road' to

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[34] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 285.
[35] Dannenbauer, *Entstehung*, p. 126.
[36] Dannenbauer, *Entstehung*, pp. 207–8. Heideck was held until 1585. Wüllner, *Landgebiet*, p. 14.
[37] Dannenbauer, *Entstehung*, pp. 128–9.
[38] Leiser, 'Landgebiet', pp. 235–6.
[39] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 310.
[40] Wüllner, *Landgebiet*, p. 17.
[41] Wüllner, *Landgebiet*, pp. 14, 52.

the north leading through Heroldsberg, Gräfenberg, and Hiltpoltstein, the 'Bohemian (or Prague) road' to the east via Lauf and Hersbruck, or the road to the south via Feucht, which provided a link to the Danube.[42] The assumption of the mortgage of Hiltpoltstein in 1503 and especially the acquisition of Hersbruck (1504/1529) may be seen in this context.[43] In so far as Nuremberg aspired to territorial *rayonnement*, its policy was axial rather than radial. For instance, Nuremberg's use of putting-out in the manufacture of the so-called *Nürnberger Tand*—wooden toys, gewgaws, or carved objects—was organized axially along the trade routes leading to the mining districts of Bohemia, the Erzgebirge, and Thuringia.[44] That was the case with many of the Hanseatic cities, who frequently controlled strategic vantage-points and outposts but rarely an immediate market area.[45]

Nevertheless, from a very early stage Nuremberg displayed a collective interest in the resources of its environs. The city embraced a forestry strategy from the mid-fourteenth century designed to prevent excessive felling and to promote the planting of pine saplings on poor sandy soils unsuitable for arable. This timber supplied not simply the building trade but carpenters, cartwrights, glassmakers, and all the metalworking trades which relied on charcoal.[46] Furthermore, while individual citizens in the fifteenth century had deployed bucket-wheels to feed water onto their meadows along the Pegnitz, Rednitz, and Schwarzach, a much more ambitious use of drainage and irrigation, coupled with manuring, can be found under civic initiative in the so-called Garlic Land (*Knoblauchland*), part of the St Sebald forest that had been assarted, which became in effect the city's market garden, producing garlic (or onions) alongside other vegetables both for domestic consumption and for export.[47]

None of these activities, of course, required the city to own territory as such; the economic administration of the forests continued to rest, as we have noted, with the patrician forester dynasties. The acquisition of

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[42] Wüllner, *Landgebiet*, p. 15; Schnelbögl, 'Wirtschaftliche Bedeutung', p. 285.

[43] Cf. Dannenbauer, *Entstehung*, pp. 153, 186.

[44] Hermann Aubin, 'Formen und Verbreitung des Verlagswesens in der Altnürnberger Landschaft', in Stadtarchiv Nürnberg (ed.), *Beiträge zur Wirtschaftsgeschichte Nürnbergs*, 2 (Beiträge zur Geschichte und Kultur der Stadt Nürnberg, 11/2) (Nuremberg, 1967), p. 646.

[45] Scott, 'Town and country in Germany', pp. 203, 210; expanded version, pp. 226, 235–6.

[46] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 273.

[47] Schnelbögl, 'Wirtschaftliche Bedeutung', pp. 263–5, 267–9.

the *Neue Landschaft* in 1504, however, signalled a reorientation of policy. The council was quick to perceive the new opportunities offered by the mineral resources on both banks of the Pegnitz. In 1507 the council granted leases to citizens who intended to mine the iron-ore deposits around Hohenstein; a decade later it was calculating its profit-and-loss account on the iron mines at Velden; and in 1527 the magistrates went so far as to exempt from tithes for a period of three years any mining shareholders in the *Ämtern* of Velden, Betzenstein, and Hersbruck.[48] It should be stressed that the conquest of the *Neue Landschaft* did not institute a new era in the history of Nuremberg's metallurgical pre-eminence; rather, it allowed the council to batten on to an industry in which individual investors had been active well before 1500, thereby ensuring that it came firmly under civic jurisdiction.

These specific economic benefits should not disguise the perennial defensive or security motives which informed the landed policy of Nuremberg as of so many other cities: that is to say, the hinterland as a demographic, fiscal, and military bolster. Around 1500 the population of Nuremberg's territory stood at 22,000 over against an oppidan total of 20,000.[49] From around 1450 the council had imposed taxes directly on its rural subjects, including those of its citizens; when the Common Penny was levied in 1495, the city contributed 1674 fl. to the territory's 716 fl., so that the latter, although clearly the economic inferior of the city by a long chalk, stumped up almost half the assessment![50] Moreover, the rural population paid the so-called 'peasant tax', levied every three years at between one and two per cent of immoveable wealth, regarded as a military levy to offset the abolition of servile obligations. Even so, the city still summoned its peasantry for military service.[51]

Historians have been keen to emphasize the exploitative character of Nuremberg's relations with its dependent territory. In addition to fiscal and military exactions, the rural population was held in an economic straitjacket: the council allowed no serious competition from rural artisans to threaten the livelihood of the city craftsmen,[52] and peasants were obliged to deliver their produce to market at largely predeter-

[48] Schnelbögl, 'Wirtschaftliche Bedeutung', pp. 294–6.
[49] Dannenbauer, *Entstehung*, p. 165. By the end of the old Empire the proportions had altered: 35,000 to 25,000. Leiser, 'Landgebiet', p. 227.
[50] Dannenbauer, *Entstehung*, p. 166.
[51] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 307; Dannenbauer, *Entstehung*, p. 166.
[52] Wüllner, *Landgebiet*, pp. 53–4.

mined prices. In Nuremberg's case, Wolfgang Leiser has passed the chilling judgement that its rural economy was 'ruthlessly aligned to the requirements of the ruling city'.[53] One way of testing this verdict is to examine whether the city made a profit from its territory, or whether the latter ate up civic revenues. Here the scales may have tipped towards the countryside. Schnelbögl has calculated that in the sixteenth and seventeenth centuries Nuremberg's expenditure on its territory almost always exceeded its income—a surplus was only achieved between 1542 and 1570, when the city held the Palatine mortgages to the south.[54] Lichtenau was a particularly costly venture: between 1493 and 1512 the city was expending 1000 fl. annually on building works (that is, defence);[55] while it always cost more to maintain than it brought in, the peasants of Lichtenau, of course, may not have regarded the outlay as bestowing any very obvious benefit on them. The foregoing estimates do not, however, include the revenues from mining franchises and taxes which the council imposed. In a wider context, we should recall Hektor Ammann's analysis of Nuremberg's 'economic unit', which argued that the metropolis and its subaltern central places within a radius of 60 kms combined in a mutually reinforcing integrated regional economic system, in which those within its orbit were as eager to grab a share of Nuremberg's industrial prosperity and marketing power as the city was to dominate its hinterland.[56]

That was not, perhaps understandably, how the surrounding nobility saw it. Christoph von Giech, Konrad Schott's partner-in-crime in his feud against the city in 1498, accused Nuremberg of continually harbouring expansionist designs, so that 'as the Venetians have done' its rulers were bent upon oppressing neighbouring princes and nobles.[57] A legal opinion of the seventeenth century, composed to defend the city's policies, also invoked the parallel with Venice, a city which had prospered and expanded by exploiting the misfortunes of its neigh-

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[53] Wolfgang Leiser, 'Territorien süddeutscher Reichsstädte: Ein Strukturvergleich', *Zeitschrift für bayerische Landesgeschichte*, 38 (1975), p. 979.

[54] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 307.

[55] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 310; Dannenbauer, *Entstehung*, pp. 152–3.

[56] Hektor Ammann, *Die wirtschaftliche Stellung der Reichsstadt Nürnberg im Spätmittelalter* (Nürnberger Forschungen, 13) (Nuremberg, 1970), pp. 194–223; Scott, 'Town and Country in Germany', p. 227; expanded version, p. 260.

[57] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 309; cf. Zmora, *State and nobility*, p. 29.

bours.[58] A similar fortune, the author opined, had attended the republic of Nuremberg which 'most vigilantly and carefully had seized the opportunity of enlargement with the Palatine districts' in 1504.[59] Yet despite Nuremberg's close commercial relations with Venice there is no reason to suppose that the latter's acquisition of the *terraferma* in any way influenced the Nuremberg council's decision to establish the *Neue Landschaft*.

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The Swabian city of Ulm on the Danube was an important crossroads between the Upper Swabian plain and the deep valleys to the west. Here routes leading from eastern Swabia and Franconia westwards intersected with roads heading south to Lake Constance or northwards into Württemberg down the steep descent of the Geislingen Steige. Ulm's strategic location between east and west enabled it to become the principal entrepôt for goods exported from Württemberg, especially wine, which was shipped downriver on the Danube to eastern Swabia and Bavaria. At the same time the city was a major manufacturing centre of the Swabian linen and later fustian industry. Potentially, therefore, Ulm had an interest in controlling its hinterland both axially (trade routes) and radially (market or supply area).

After 1350, the consensus of opinion has it that Ulm pursued a deliberate territorial plan,[60] but the reasons are by no means self-evident.

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[58] The author cites a treatise by the Venetian nobleman Donatus Granotti (*recte*: Giannotti), which ascribes the acquisition of the *terraferma* to the city's intervention in squabbles between Verona, Padua, and Parma and their ruling dynasties. Giannotti's tract, *Libro della repubblica de' Viniziani* (Rome, 1540), does not, in fact, contain any such assertion! See Furio Diaz (ed.), *Donato Giannotti: Opere Politiche*, 1 (Milan, 1974), pp. 27–151. The parallel with Nuremberg is somewhat far-fetched! Stadtarchiv Nuremberg, B 23, no. 4, fo. 130r–143v: *Bedenken wegen der Pfälzischen Ämter*, here at fo. 130r.

[59] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 309; Wüllner, *Landgebiet*, p. 15; Gerd Wunder, 'Reichsstädte als Landesherren', p. 82. Stadtarchiv Nuremberg, B 23, no. 4, fo. 130r–v: *Im nähern Seculo…hat hiesige Ratt vnd Gubernatores die Occasion, sich gegen aufgang der Sonnen mit iren Pfälzischen Ämtern zuvergrösern, sehr vigilant vnd nachdenklich in acht genommen…*

[60] Otto Hohenstatt, *Die Entwicklung des Territoriums der Reichsstadt Ulm im XIII. und XIV. Jahrhundert* (Darstellungen aus der württembergischen Geschichte, 6) (Stuttgart, 1911), pp. 36 ff.; Gerold Neusser, *Das Territorium der Reichsstadt Ulm im 18. Jahrhundert* (Forschungen zur Geschichte der Stadt Ulm, 4) (Ulm, 1964), p. 26; Helmut Schmolz, 'Herrschaft und Dorf im Gebiet der Reichsstadt Ulm', in Erich Maschke and Jürgen Sydow (eds), *Stadt und Umland* (Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, B 82) (Stuttgart, 1974), pp. 168 ff.

On the one hand, it has been argued that Ulm's motives were essentially political—to create a power bloc—rather than economic or commercial; on the other that it was merely exploiting the financial embarrassment of the surrounding noble dynasties who had traditionally enjoyed close links with the city.[61] In pursuing such a policy Ulm had, by and large, a free rein: its only territorial rivals of any consequence were the counts of Württemberg, whose lands flanked the city on three sides, but at some remove. Before the mid-fourteenth century leading citizens of Ulm (many of them former ministerials) had bought up rural estates on both banks of the Danube. A significant feature of Ulm's growing influence over its hinterland was the council's willingness to grant citizen's rights to non-residents—outburghers—who might be nobles, convents as institutions, or even peasants.[62] At their greatest extent, the estates owned by patricians, commoners, or outburghers were to be found in well over one hundred villages, spread equally on either side of the Danube, notwithstanding that Ulm's subsequent territory lay chiefly north of the river. In tandem with its conferment of citizen's rights, however, Ulm at an early stage also used its Holy Ghost Hospital as a vehicle of jurisdictional control, while undertaking systematic efforts to subordinate other ecclesiastical institutions to its authority and integrating their lands into the civic territory.[63]

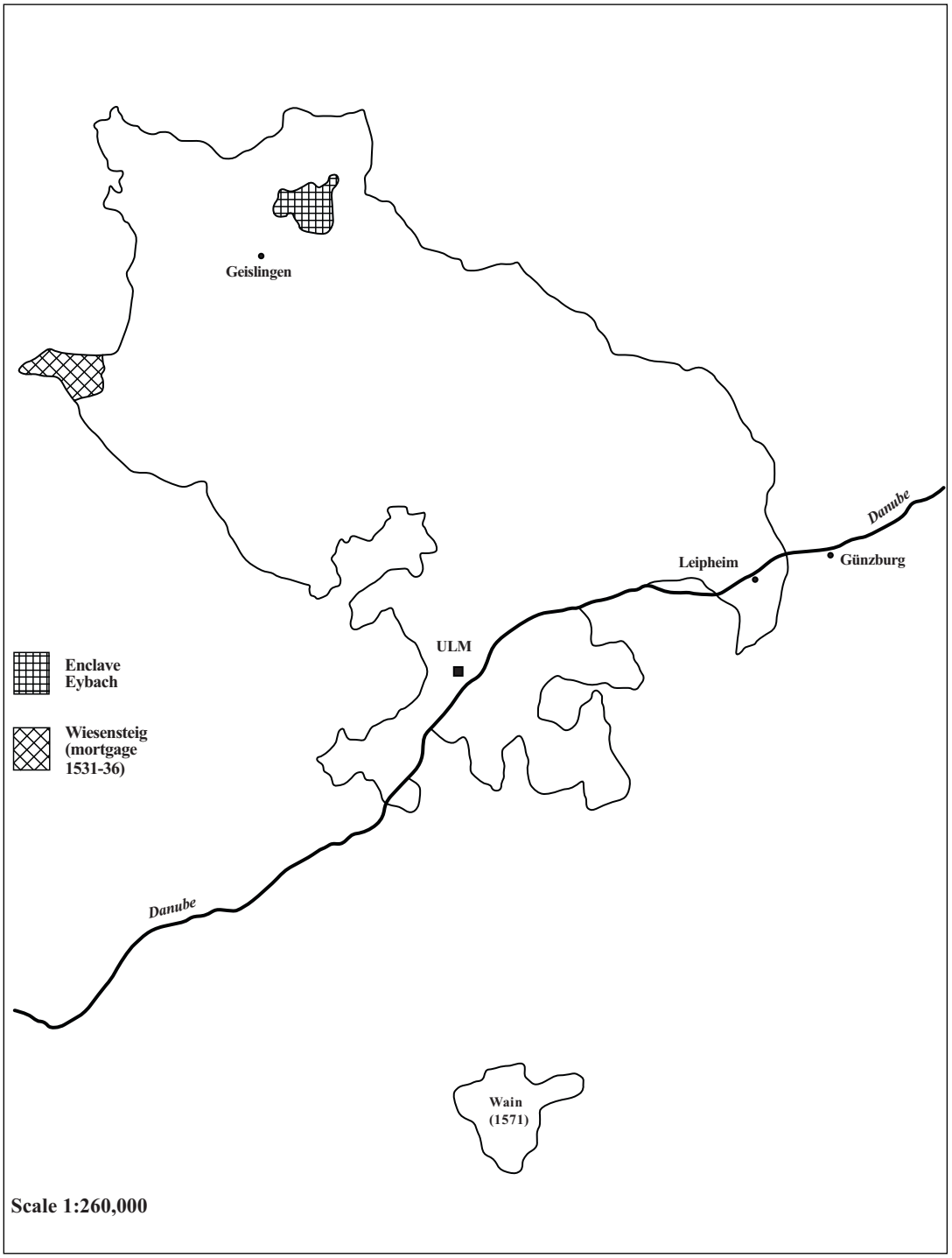
The bulk of Ulm's rural territory was acquired within a mere two decades at the close of the fourteenth century in two sizeable blocks: first, the lordship of Albeck to the north-east from the counts of Werdenberg-Sargans, beginning with the town of Langenau in 1377 for 10,000 fl., followed by the fortress and town of Albeck in 1383 for a further 16,380 fl.; and second, some of the Wiesensteig estates of the counts of Helfenstein to the north-west, mortgaged in 1382 and finally sold to Ulm in 1396 (castle Helfenstein and the town of Geislingen) for 37,000 fl., an impressive total of 63,380 fl. within two decades.[64] This concentrated expansion certainly suggests some premeditated intent—as well as Ulm's ability to pay. That the city did not act sooner may be due to tensions within its walls between patricians and craftsmen, disturbances

[61] Hohenstatt, *Entwicklung*, pp. 89–90, 94–5, 96–7, 119.
[62] Hohenstatt, *Entwicklung*, pp. 71, 79–80, 86–7.
[63] Hohenstatt, *Entwicklung*, pp. 81, 122, 124–5.
[64] Hohenstatt, *Entwicklung*, pp. 90, 94–5, 115–16; Neusser, *Territorium*, pp. 26–7; Schmolz, 'Herrschaft und Dorf', p. 168; Gerd Wunder, 'Reichsstädte als Landesherren', p. 80. Langenau subsequently lost its urban privileges.

which were not calmed until a compromise was reached in 1345. Ulm may also have been afforded an opportunity to flex its political muscles once it assumed leadership of the Swabian Town League of fourteen cities, founded in 1376:[65] the coincidence of dates is surely remarkable. Nevertheless, the city's capacity to act turned in the end on the readiness—or the necessity—to sell on the part of the two comital dynasties. Both the counts of Werdenberg-Sargans and those of Helfenstein are held to have suffered acute financial difficulties. An older historiographical tradition blamed these on partitions and extravagance, particularly in the case of the Helfenstein, whose patrimony was divided into two lines, Wiesensteig and Blaubeuren in 1356.[66] By 1396 the counts had borrowed a staggering 123,000 fl. from the city. For a good two centuries the Helfenstein had been closely involved in Ulm's affairs; as imperial bailiffs of Upper Swabia they had sealed a formal alliance with the city in 1348. Ulm's willingness to lend the counts vast sums and to take on their mortgages may, therefore, be regarded as much a token of solidarity as of calculating exploitation: there is no doubt the city was the counts' preferred purchaser. The financial predicament of the Helfenstein was in any case much more venerable: they were already deeply in debt at the end of the thirteenth century, so that it would be quite misguided to attribute their difficulties to an agrarian depression in the wake of the Black Death. That argument may apply less to the counts of Werdenberg-Sargans (again, with long-standing ties to the city), whose indebtedness is only traceable in the 1370s.[67]

To reach a true understanding of Ulm's remarkable expansion up to 1400, we must compare it with developments in the following centuries. It has sometimes been argued that Ulm's territorial expansion ground to a halt after 1400, only to be resumed in the later fifteenth century.[68] While it might be tempting to link this supposed hiatus to the political supremacy of the craft guilds, enshrined in the constitution of 1397, the facts are otherwise. For one thing, the council was still mopping up parts of the Wiesensteig lands in 1403; for another, the partitions and financial emergencies among the Helfenstein heirs continued, with their lordship of Blaubeuren-Heidenheim being offered to Ulm in 1438. Though the offer was rejected, in 1446 the city not only bought half

[65] Hohenstatt, *Entwicklung*, pp. 87–8.
[66] Hohenstatt, *Entwicklung*, pp. 89–90, 94–7, 114.
[67] Hohenstatt, *Entwicklung*, pp. 88–9, 114–15.
[68] Schmolz, 'Herrschaft und Dorf', p. 168.



Map 3. Territory of Ulm circa 1600.

the escort-rights and the tolls at Geislingen, along with other villages, from the Blaubeuren branch of the Helfenstein for 24,000 fl., it took over further Wiesensteig lands in mortgage, though some of these were ceded to Württemberg four years later, the latter having already acquired the lordships of Blaubeuren and Heidenheim in 1447/48. The remaining Helfenstein lands of the Wiesensteig line were finally bought by Ulm in 1482 for 24,000 fl.[69] In the convoluted dealings over the Helfenstein legacy what stands out is Ulm's primary interest in securing its artery of trade down the Geislingen Steige, rather than acquiring more territory for its own sake. This red thread of policy can be observed in mid-century when the city bought Leipheim on the right bank of the Danube, a major crossing-point, from Württemberg for 23,000 fl., having spurned the opportunity to take on a string of other lands to the south, notably the indebted county of Kirchberg, where it was the chief creditor, or the lordship of Erbach.[70]

Ulm at various stages also had the opportunity to acquire Outer Austrian territories. The county of Hohenberg on the Upper Neckar is one instance. Its lords, weakened through partitions, had borrowed from Ulm in 1378, but three years later opted to sell their county to the Habsburgs. However, when the Habsburgs themselves became strapped for cash, Ulm led a consortium of nineteen cities to take over the administration of Hohenberg in 1418, and only relinquished control in 1454.[71] Ulm's famous late fifteenth-century chronicler, Felix Fabri, even suggested that the city might have acquired the margraviate of Burgau directly to the east, which the Habsburgs had mortgaged on more than one occasion.[72] This at least would have made better geopolitical and strategic sense than the distant Hohenberg, hemmed in by Württemberg territory. Ulm in fact spent more on territorial acquisitions—71,200 fl. (not including the sundry mortgages)—in the fifteenth than it had in the late fourteenth century (inflation was not yet an issue). At the same time, it was buying up individual citizens' rural estates to round off its jurisdictional overlordship.[73]

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[69] Hohenstatt, *Entwicklung*, pp. 106–7, 108, 113; Neusser, *Territorium*, p. 27.

[70] Neusser, *Territorium*, pp. 27–8; Gerd Wunder, 'Reichsstädte als Landesherren', p. 80.

[71] Hohenstatt, *Entwicklung*, p. 119; Gerd Wunder, 'Reichsstädte als Landesherren', p. 83.

[72] Neusser, *Territorium*, p. 28.

[73] Hohenstatt, *Entwicklung*, p. 82. It also appears that the city either resiled from grants of outburghership or else used them to keep neighbouring nobles at arm's length. See

Yet more acquisitions were to follow in the sixteenth century. In 1502 Ulm bought Riedheim by Leipheim from the Augsburg merchant houses of Welser and Rem for 8300 fl. Then in 1521 it capitalized upon the exile of duke Ulrich from his principality of Württemberg to seize the lordship of Heidenheim (which had earlier belonged to the Helfenstein) for 45,000 fl., but was obliged to hand it back in 1536 after Ulrich's restoration. In 1543 it also bought the lordship of Ravenstein with the village of Steinenkirch to the north of Geislingen from the barons von Rechberg for 8500 fl. These purchases complemented Ulm's existing territory to the north of the Danube, but they were put in the shade by the late and exceptional acquisition in 1571 of the lordship of Wain, lying well south of the Danube by Illertissen, from the abbey of Ochsenhausen for the inflationary sum of 65,500 fl.[74]

With that, Ulm's territory had achieved its greatest extent, at around 830 km^2, encompassing three towns (Geislingen, Albeck, and Leipheim), fifty-five villages and twenty-two other settlements.[75] The population of the territory is not known before the mid-eighteenth century, when it numbered around 25,000; this should be set against an oppidan population which rose from 17,000 to 21,000 in the course of the sixteenth century.[76] None of its possessions had been acquired by main force; instead the city repeatedly used the financial extremity of its noble neighbours to augment its territory. Yet it was prepared to let such opportunities slip if no immediate strategic advantage was to be gained—the purchase of Wain being the obvious exception. What emerges is that Ulm could easily have become the largest city-state in Germany, had it chosen to buy up everything on offer. Despite the council's attempts to consolidate its jurisdictional rights into full territorial sovereignty, it nevertheless fell short of its goal of establishing a *territorium clausum*, both because it failed to convert its stewardship of ecclesiastical foundations into effective *Landeshoheit*, and because several

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Tom Scott, *Die Freiburger Enquete von 1476. Quellen zur Wirtschafts- und Verwaltungsgeschichte der Stadt Freiburg im Breisgau im fünfzehnten Jahrhundert* (Veröffentlichungen aus dem Archiv der Stadt Freiburg im Breisgau, 20) (Freiburg im Breisgau, 1986), pp. 38–9.

[74] Neusser, *Territorium*, pp. 28–9; Gerd Wunder, 'Reichsstädte als Landesherren', p. 80.

[75] Schmolz, 'Herrschaft und Dorf', p. 168; Neusser, *Territorium*, p. 31.

[76] Neusser, *Territorium*, p. 33; Wilfried Enderle, 'Ulm und die evangelischen Reichsstädte im Südwesten', in Anton Schindling and Walter Ziegler (eds), *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, 5: *Der Südwesten* (Katholisches Leben und Kirchenreform im Zeitalter der Glaubensspaltung, 53) (Münster, 1993), p. 196.

enclaves were never eliminated—Eybach, belonging to the barons von Degenfeld, and Niederstotzingen (shared between the counts of Stain and the abbey of Kaisheim). Moreover, the Helfenstein acquisitions were frequently challenged in the courts in the centuries to come.[77]

If Ulm had initially been driven by a desire to protect its trade routes—it had escort-rights through the 'upper lordship' to the north-east (Albeck and Leipheim) and the 'lower lordship' to the north-west (Helfenstein-Wiesensteig and Geislingen)[78]—the administration of its territory, once acquired, raises the question whether the city looked upon it more as a political buffer and economic security than as a financial milch-cow. The upland plateau of Swabia was, if anything, economically backward: there were few rural crafts, and linen-weaving was largely a domestic industry, with little recourse to putting-out.[79] The heartlands of commercial fustian production lay elsewhere, to the south in the well-watered valleys of the Rot, Iller, and Günz, where Ulm possessed no territory at all (barring Wain).[80] The most striking aspect of Ulm's administration was not so much its success in merging rights of landlordship, higher and lower jurisdiction, or fiscal powers into a single instrument of rule as its recourse to lordship over serfs (*Leibherrschaft*). Not only did the city acquire territory from the counts of Helfenstein and Werdenberg-Sargans, it bought their serfs, too, and reached agreement with neighbouring princes (such as Württemberg) to ensure that only Ulm's serfs resided within civic territory, a practice familiar to us from monastic and civic lordships in eastern Swabia.[81]

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[77] Neusser, *Territorium*, pp. 27, 36–7; Enderle, 'Ulm', p. 195.

[78] See map X, 1 'Geleitstraßen um 1550', compiled by Meinrad Schaab *et al.* (1982) in Historische Kommission für geschichtliche Landeskunde in Baden-Württemberg (ed.), *Historischer Atlas von Baden-Württemberg* (Stuttgart, 1972 ff).

[79] Neusser, *Territorium*, pp. 33–4.

[80] Ulm made little effort to regulate the fustian-weavers on its doorstep, who may have numbered between 330 and 600, working for Ulm merchant capitalists and with open access to its market, until competition from nearby centres controlled by the Fuggers, such as Weißenhorn, prompted the council towards 1500 to discriminate against foreigners by imposing higher quality-inspection fees. See Hermann Kellenbenz, 'The fustian industry of the Ulm region in the fifteenth and early sixteenth centuries', in Negley B. Harte and Kenneth G. Ponting (eds), *Cloth and Clothing in Medieval Europe. Essays in Memory of Professor E.M. Carus-Wilson* (Pasold Studies in Textile History, 2) (London, 1983), pp. 261–2; Bernhard Kirchgässner, 'Der Verlag im Spannungsfeld von Stadt und Umland', in Maschke and Sydow, *Stadt und Umland*, p. 86.

[81] Schmolz, 'Herrschaft und Dorf', pp. 172–3. Cf. Peter Blickle, 'Leibherrschaft als Instrument der Territorialpolitik im Allgäu. Grundlagen der Landeshoheit der Klöster Kempten und Ottobeuren', in Heinz Haushofer and Willi A. Boelcke (eds), *Wege und Forschungen der Agrargeschichte. Festschrift zum 65. Geburtstag von Günther Franz* (*Zeitschrift für*

Ulm's serfdom took two main forms, a lighter residential unfreedom imposed upon the inhabitants of its dependent towns (Geislingen and Albeck, but not Leipheim),[82] and a more onerous personal serfdom weighing on the peasants, which entailed a variety of servile payments (though not labour-services), including a discharge-fine on emigration. These serfs also enjoyed no freedom of marriage with other lords' serfs.[83] The commonly held view is that by the sixteenth century such renders were essentially nominal.

A casual reading of the sources has prompted a string of historians to argue that Ulm's revenues from its landed territory in fact amounted to as much as a quarter of its annual income, but the evidence, even if reliable, stems from the late eighteenth century![84] Nevertheless, Eberhard Naujoks's examination of the Ulm accounts for 1519 led him to conclude that 'the financial contribution of the landed territory was the most important item of assets in the Ulm budget'.[85] In terms of economic policy, Ulm did not seek to restrict artisan activity to its domestic craftsmen, but it did—at least in later centuries—enforce monopsony (*Marktzwang*).[86] In its land management, the council actively promoted the impartibility of tenancies, with revocable leases outnumbering hereditary by a ratio of two to one.[87] Taken together, these

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Agrargeschichte und Agrarsoziologie, supplement 3) (Frankfurt am Main, 1967), pp. 51–66; repr. in Peter Blickle, *Studien zur geschichtlichen Bedeutung des deutschen Bauernstandes* (Quellen und Forschungen zur Agrargeschichte, 35) (Stuttgart, 1989), pp. 3–18.

[82] It also applied to Kuchen and Lonsee, though they did not have urban charters. Neusser, *Territorium*, p. 47.

[83] Schmolz, 'Herrschaft und Dorf', p. 173; Neusser, *Territorium*, pp. 47–9. A third type was the so-called tenurial serfdom (*Realleibeigenschaft*), whereby servile status was vested in the land farmed by the tenant; this obtained only in the lordship of Wain, though it was common in other parts of Swabia. See Tom Scott, 'South-west German serfdom reconsidered', in Paul Freedman and Monique Bourin (eds), *Forms of Servitude in Northern and Central Europe. Decline, Resistance and Expansion* (Medieval Texts and Cultures of Northern Europe, 9) (Turnhout, 2005), pp. 126–7.

[84] That Ulm in good years derived as much as 22% of its revenue from its territory is asserted by Gerd Wunder, 'Reichsstädte als Landesherren', p. 87, but his source is Neusser, *Territorium*, pp. 161–2, who cites the year 1776/77 and stresses that detailed research on complex sources would be required to present figures from earlier than the mid-18th century. Wunder has been followed cautiously by Leiser, 'Territorien süddeutscher Reichsstädte', p. 977, and incautiously by Scott, 'Town and country in Germany', p. 214; expanded version, p. 241. Nevertheless, see the following note 85.

[85] Eberhard Naujoks, 'Stadtverfassung und Ulmer Land im Zeitalter der Reformation', *Ulm und Oberschwaben*, 34 (1955), p. 103; cf. Leiser, 'Territorien süddeutscher Reichsstädte', p. 977.

[86] Neusser, *Territorium*, pp. 138–45.

[87] Schmolz, 'Herrschaft und Dorf', p. 175.

aspects of Ulm's administration suggest that it was concerned to have a jurisdictionally uniform and strictly governed territory populated by possessing peasants that would yield the city good agrarian revenues; there is no sign of the kind of commercial exploitation which would have encouraged partibility, the development of rural crafts, or the cultivation of industrial crops. Helmut Schmolz's verdict on Ulm's rule seems, therefore, entirely justified that 'from the beginning we may perceive a systematic central, at times altogether too severe a hand at work, which did its best to nip any resistance in the bud'.[88]

4

Although ranking third in the size of its territory, Erfurt, the capital of Thuringia, uniquely among the six cities under review, never achieved the status of an imperial city. For a brief period at the end of the thirteenth century during the reign of king Rudolf of Habsburg the prospect of Thuringia passing under imperial sovereignty beckoned, but the region thereafter became peripheral to the crown's interests, and Erfurt was destined to remain a territorial town of the archbishops of Mainz.[89] As a distant outpost, Erfurt was able to whittle away Mainz's authority, until after 1400 the archbishops merely retained some judicial rights and ground-rents.[90] To bolster its position, Erfurt attempted periodically to gain constitutional immediacy under the Empire (*Reichsunmittelbarkeit*); indeed, in the fifteenth century the town was listed among the free and imperial cities and represented at the imperial diets.[91] But Erfurt was hemmed in by Saxon territory, and in 1483, in the aftermath of an ill-advised feud against both Saxony and Mainz, was obliged by the terms of the treaty of Weimar to cede to the former tutelary rights in perpetuity, so that Saxony became in effect

[88] Schmolz, 'Herrschaft und Dorf', p. 191.

[89] Heinz Thomas, *Deutsche Geschichte des Spätmittelalters 1250–1500* (Stuttgart/Berlin/Cologne/Mainz, 1983), p. 79; Michael Gockel, 'Erfurts zentralörtliche Funktionen im frühen und hohen Mittelalter', in Ulman Weiß (ed.), *Erfurt—Geschichte und Gegenwart* (Schriften des Vereins für die Geschichte und Altertumskunde von Erfurt, 2) (Weimar, 1995), p. 87.

[90] Eberhard Holtz, 'Zur politischen und rechtlichen Situation Erfurts im 15. Jahrhundert im Vergleich mit anderen mitteldeutschen Städten', in Weiß, *Erfurt*, p. 95.

[91] Jürgen John, 'Erfurt als Zentralort, Residenz und Hauptstadt', in Weiß, *Erfurt*, p. 33.

a second overlord alongside Mainz.[92] Moreover, Erfurt was required to surrender such territory as it had held in mortgage since 1315,[93] and to pay a huge indemnity of 190,000 fl., which crippled the town's finances and led ultimately to the disturbances of the so-called 'Mad Year' (*das tolle Jahr*) in Erfurt in 1509, as a consequence of which the archbishop of Mainz was able to recoup some of his lost authority.[94]

Erfurt's geopolitical situation can, therefore, be viewed from two divergent perspectives: the presence or proximity of princely rivals—Mainz and, after 1485, two Saxon branches—could in principle have allowed the town either to play one off against the other, or else have thwarted any attempt to construct a landed territory. What stands out in Erfurt's extension of influence over its hinterland was its initial reluctance to acquire substantial lordships as such, preferring instead to acquire jurisdictional rights in the countryside. Individual burghers who had begun to buy up estates and rents in the early thirteenth century were enjoined to give the council first option on villages and legal rights, should they later be sold. As a result, by 1400 the council had gained exclusive jurisdiction, either severally or in mortgage, over seventy-four villages, over the county on the Schmale Gera, and in two towns, and partial jurisdiction in a further twenty-two villages.[95] After the mid-thirteenth century the council began to acquire estates and rents as well. But its tactic was essentially piecemeal, buying from local nobles and monastic houses as the opportunity arose—which is why it is impossible to give aggregate figures for the cost of these purchases. The majority of acquisitions were fiefs, above all from the landgraves of Thuringia (of the Saxon house of Wettin), whose extravagance, especially during the reign of Albrecht the Degenerate (1262–1314, but deposed in 1294), was notorious.[96] Among these many feudal possessions, Erfurt was particularly proud of its castle and lordship of

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[92] Holtz, 'Zur politischen und rechtlichen Situation', p. 104. After the partition of Saxony in 1485 these rights were exercised conjointly by the Ernestine electors and Albertine dukes.

[93] The county on the Schmale Gera, south of Erfurt. Georg Oergel, 'Das ehemalige Erfurtische Gebiet', *Mitteilungen des Vereins für die Geschichte und Altertumskunde von Erfurt*, 24 (1903), p. 184.

[94] R.W. [Bob] Scribner, 'Civic unity and the Reformation in Erfurt', *Past and Present*, 66 (1975), pp. 35–6.

[95] Wieland Held, 'Das Landgebiet Erfurts und dessen Wirkungen auf die Ökonomik der Stadt in der frühen Neuzeit', in Weiß, *Erfurt*, p. 460.

[96] Oergel, 'Erfurtisches Gebiet', pp. 171–6. Albrecht der Entartete was also known as der Unartige (Unruly).

Kapellendorf, lying in scattered parcels east of Weimar, which it took on as an imperial fief between 1348 and 1352, though in 1507 it was reluctantly mortgaged to Saxony.[97]

Underpinning this seigneurial penetration was a fundamental concern—to safeguard the town's burgeoning commerce by acquiring strongholds which controlled the main trade-routes. Between 1269, with its first purchase of the fortress and village of Stotternheim, and the acquisition of Vippach in 1387, Erfurt secured ten castles of strategic significance.[98] Some of these lay at a considerable distance from Erfurt. The Brandenburg, acquired in 1383 but lost by 1407, was situated west of Eisenach, 60 kms from Erfurt, on the *via regia*, the high road leading from Frankfurt to Leipzig: its purchase clearly formed no part of a territorial policy; likewise the Sachsenburg by Heldrungen, bought along with its surrounding villages in 1350 (again, subsequently lost), which lay 35 kms to the north on the road to Magdeburg, at the point where the ridges of the Hainleite and Hohe Schrecke offer a small gap into the Thuringian basin.[99] This commercial imperative can also be observed in the acquisition of the archiepiscopal castle of Mühlburg and its county of Mühlberg from Mainz in 1355. Because Mühlburg commanded a stretch of the *via regia* much closer to Erfurt, a mere 25 kms to the south-east, it was absorbed as an administrative district (*Amt*) of Erfurt's territory, albeit remaining an exclave in electoral Saxony.[100]

Erfurt's territory reached its greatest extent around 1470, when it stretched over 610 km^2, embracing eighty-three villages and the small town of Sömmerda.[101] That total could easily have exceeded one hundred, had not the so-called 'Brothers' War' in Thuringia from 1446 to

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[97] Oergel, 'Erfurtisches Gebiet', p. 173; Holtz, 'Zur politischen und rechtlichen Situation', p. 95.

[98] Wieland Held, *Zwischen Marktplatz und Anger. Stadt-Land-Beziehungen im 16. Jahrhundert in Thüringen* (Weimar, 1988), p. 92: Stotternheim (1269), Vieselbach (1296), Neumark (1326), Kapellendorf (1348), lower Sachsenburg (1350), Tonndorf and partial rights over Mühlburg (1355), Brandenburg (1383), Vargula (1385), Vippach (1387).

[99] Information kindly supplied by Prof. Ulman Weiß in a letter of 10 Aug. 2005.

[100] Ulman Weiß, 'Gemeinde und Kirche in der Erfurter "landschafft" ', in Beat Kümin (ed.), *Landgemeinde und Kirche im Zeitalter der Konfessionen* (Zürich, 2004), p. 68.

[101] Held, *Zwischen Marktplatz und Anger*, p. 92; idem, 'Landgebiet Erfurts', pp. 459–60. Some historians calculate the territory at 900 km^2, but this is much too large. See most recently Sven Tode, *Stadt im Bauernkrieg. Strukturgeschichtliche Untersuchungen zur Stadt im Raum anhand der Beispiele Erfurt, Mühlhausen/Thür., Langensalza und Thamsbrück* (Frankfurt am Main/Berlin/Bern/New York/Paris/Vienna, 1994), pp. 77, 80, but by the same token he reckons only 60 villages!

1451 devasted much of the countryside.[102] In the sixteenth century, when Erfurt's oppidan population hovered around 18,000, the rural territory may have numbered anywhere between 24,000 and 32,000 inhabitants.[103] Yet the territory was far from being compact or consolidated. Although Erfurt absorbed three of the so-called 'Küchendörfer' belonging to Mainz on its own doorstep, another five villages to the south and west remained under archiepiscopal control; it did, however, buy the licence to brew and sell beer in four of those villages from Mainz in 1463 for 2000 fl.[104] Moreover, there were several enclaves on Erfurt's territory, including the Saxon district of Großmölsen, and other villages belonging to citizens which were never integrated into its rural administration, notably Eichelborn to the east of the bailiwick of Büßleben, a Saxon fief held by the Ziegler family.[105] Despite some systematic features to Erfurt's territorial policy, the slow and piecemeal accumulation of lands and lordships is reflected in the pattern of administration. The seven districts nearest the town were organized as bailiwicks, each governed by a bailiff who presided over the district or village court. Further afield lay six *Ämter* (until the loss of Kapellendorf in 1507), each centred upon a stronghold in which the district official resided. Unlike the bailiffs, these men functioned simultaneously as military captains, responsible for local defence, and as such were recruited from Erfurt's leading patrician families.[106]

Erfurt's determination to acquire jurisdictional control over its hinterland, rather than a string of landlordships, is undoubtedly attributable in large measure to the cornerstone of its commercial prosperity, the trade in the prized commodity of woad. Thuringia was the principal region of woad production in Germany, and Erfurt was its metropolis. What the town's merchants required were the judicial levers to ensure that the balls of woad, after their initial processing, were sent to the urban market for the latter stages of processing, packing, and distribu-

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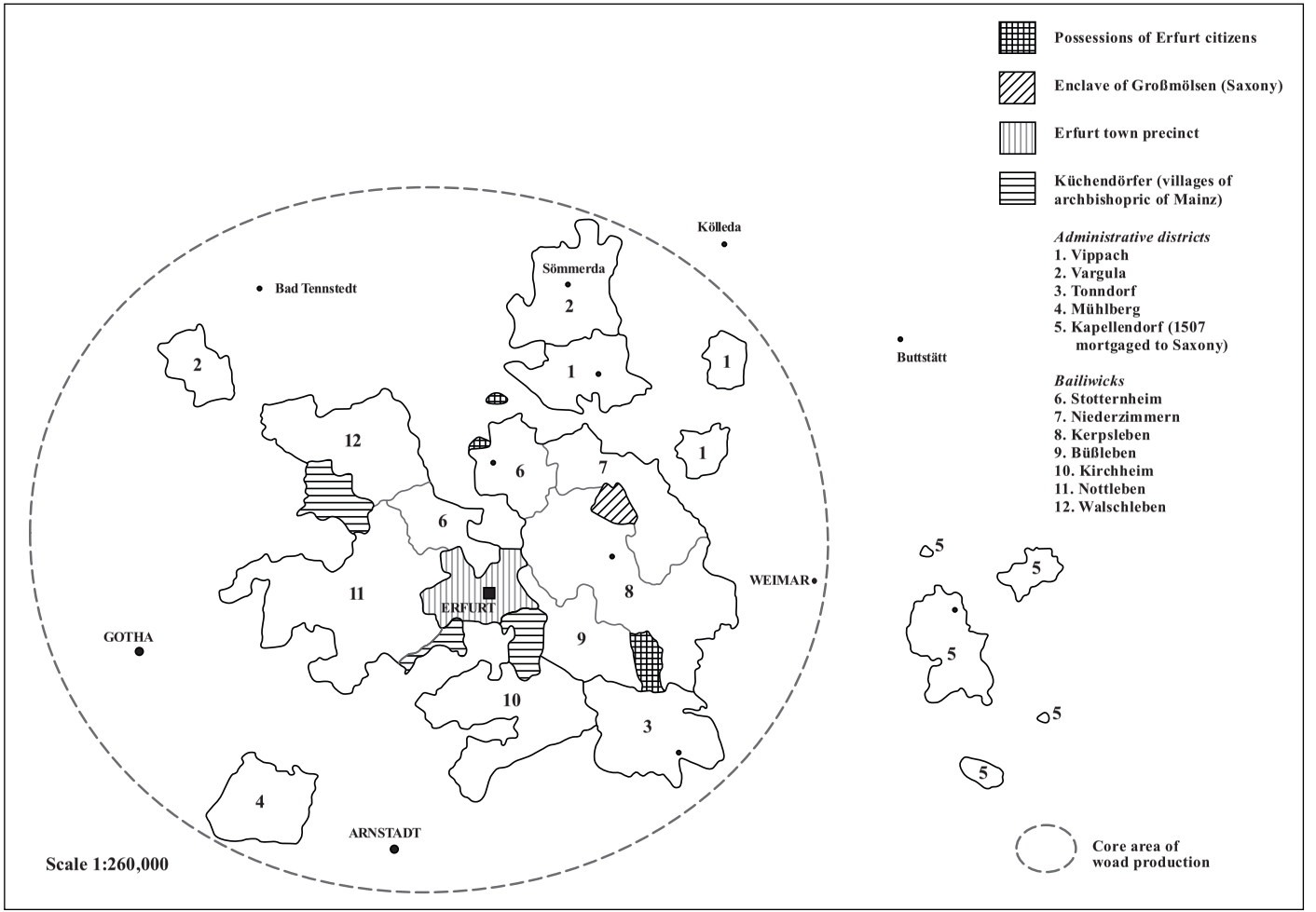
[102] Oergel, 'Erfurtisches Gebiet', pp. 164–5. It is also likely that by then the town's room for manoeuvre had come to a halt as it began to march with adjacent princely territories. Held, *Zwischen Marktplatz und Anger*, p. 92.

[103] Held, 'Landgebiet Erfurts', p. 463.

[104] Oergel, 'Erfurtisches Gebiet', pp. 171, 189.

[105] Oergel, 'Erfurtisches Gebiet', p. 167. Other burghers' estates included Alperstedt and Noda, north-west of Stotternheim.

[106] Oergel, 'Erfurtisches Gebiet', pp. 178–80. The *Amt* of Sömmerda had no castle when the village was acquired in 1418, but, once granted an urban privilege some years later, works to circumvallate Sömmerda and to erect watch-towers were undertaken.



Map 4. Territory of Erfurt in the Early Sixteenth Century.

tion: the merchants did not need to own the land on which the woad was grown, so long as they could enforce monopsony. The council, contrary to common opinion, never bought land collectively to engage in woad production, but it rigorously enforced the market monopoly, appointed woad inspectors, and levied a special woad excise (*Waidpfennig*).[107] The woad trade can be identified in Erfurt with certainty from the fourteenth century,[108] reaching a peak in the sixteenth, with exports to Lusatia, Silesia, the Hanseatic cities, and the Netherlands, until the colonial import of indigo heralded the decline of woad as the chief blue dyestuff.[109] Production was concentrated in a circle embracing Weimar, Arnstadt, Gotha, and Bad Tennstedt, with Erfurt at its centre; in the town's bailiwicks alone nearly six hundred peasants were engaged in woad cultivation.[110] Yet woad was never a monoculture. Erfurt's villages engaged in tillage and even viticulture, thus providing the town with essential supplies of produce, so that its territory constituted a market area as well as a commercial resource.[111]

These economic motives surely outweighed the military and political advantages of creating a buffer against the adjacent princely territories (as Fritz Rörig once insisted),[112] all the more so since in the seventeenth century Erfurt proved itself incapable of withstanding princely *diktat*, losing both its civic autonomy and its territory to Mainz in the so-called 'Reduction' of 1664.[113]

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[107] Fritz Wiegand, 'Einige Bemerkungen zur Erfurter Waidproduktion', in Werner Mägdefrau (ed.), *Europäische Stadtgeschichte in Mittelalter und früher Neuzeit* (Weimar, 1979), pp. 250–2; Held, *Zwischen Marktplatz und Anger*, p. 94; idem, 'Landgebiet Erfurts', p. 465.

[108] *Hessen und Thüringen—Von den Anfängen bis zur Reformation. Eine Austellung des Landes Hessen* (Marburg, 1992), p. 233. The six stages of woad production, three rural and three urban, are described there at p. 231.

[109] Held, *Zwischen Marktplatz und Anger*, pp. 107–11. See most recently Astrid Schmidt-Händel, *Der Erfurter Waidhandel an der Schwelle zur Neuzeit* (Europäische Hochschulschriften, 3rd series: Geschichte und ihre Hilfswissenschaften, 998) (Frankfurt am Main/Berlin/Bern/Vienna, 2004).

[110] Wiegand, 'Bemerkungen', p. 241. There are no figures for the administrative districts. The council's willingness to divest itself of Kapellendorf in 1507 may be attributable to its lying outside the core of Erfurt production.

[111] Held, *Zwischen Marktplatz und Anger*, pp. 90, 111–12.

[112] Fritz Rörig, *The Medieval Town* (London, 1967), p. 168. Cf. Held, 'Landgebiet Erfurts', p. 464.

[113] Oergel, 'Erfurtisches Gebiet', pp. 182, 186.

5

Once the centre of a complex of Franconian imperial estates under the Hohenstaufen, Rothenburg ob der Tauber secured its status as an imperial city in 1274. Thereupon it began to slough off all rights of protection and mortgages held by neighbouring lords, finally acquiring the mortgaged imperial territorial court, which sat outside its walls, in 1387 for 8000 fl.[114] From the mid-thirteenth century Rothenburg's patricians and convents had already been buying up estates in the surrounding districts.[115] The formation of the Swabian Town League in 1376, however, allowed Rothenburg under the leadership of its long-serving mayor, Heinrich Toppler, to launch a unique political offensive, in which over a span of twenty years the accumulation of estates and jurisdictions resulted in a territory of 450 km^2, stretching round the city on all sides. Though some outlying possessions were quickly lost—Eibelstadt and Landsberg—and the villages in the *Aischgrund* were forcibly surrendered to Brandenburg-Ansbach in the wake of the Peasants' War in 1525, Rothenburg's territory in the sixteenth century still amounted to around 400 km^2.[116] At that time, its rural subjects numbered between 10,000 and 11,000 (before the loss of the *Aischgrund*), a figure at least double the urban population.[117]

The principal acquisitions came in two spurts. Between 1383 and 1387 the city bought the stronghold, estates, and appurtenances of Nordenberg from its eponymous lords for 7000 fl., in 1385 the fortress of Landsberg and its dependent villages from Hohenlohe for 5000 fl., in 1387 the administrative district of Hohenlohe-Endsee, together with villages in the *Aischgrund*, from Hohenlohe, and in 1388 the *Ämter*

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[114] Herbert Woltering, 'Die Reichsstadt Rothenburg ob der Tauber und ihre Herrschaft über die Landwehr', part 1, *Jahrbuch des Vereins Alt-Rothenburg*, 1965/66, p. 18; Alois Schneider, 'Grenzlinien spätmittelalterlicher städtischer Territorialherrschaften', in Gabriele Isenberg and Barbara Scholkmann (eds), *Die Befestigung der mittelalterlichen Stadt* (Städteforschung. Veröffentlichungen des Instituts für vergleichende Städtegeschichte in Münster, A 45) (Cologne/Weimar, 1997), pp. 113–14.

[115] Woltering, 'Rothenburg', part 1, pp. 9, 141.

[116] Woltering, 'Rothenburg', part 1, pp. 11, 18, 20, 29; Ludwig Schnurrer, 'Der Bürger als Grundherr. Die Grundherrschaft Heinrich Topplers aus Rothenburg († 1408)', in Schulze, *Städtisches Um- und Hinterland*, p. 62; Schneider, 'Grenzlinien', p. 117. Rothenburg, together with Schwäbisch Hall and Dinkelsbühl, also acquired the three *Ämter* of Kirchberg, Ilshofen, and Honhardt from Hohenlohe in 1398, which they ruled in condominium until 1562. Woltering, 'Rothenburg', part 1, p. 30.

[117] Woltering, 'Rothenburg', part 1, p. 37.

of Gammelsfeld and Eibelstadt from the burgraves of Nuremberg for 3000 fl. Then, from 1399 to 1406, Rothenburg acquired the castle and *Amt* of Lichtel from the bishops of Würzburg for 2300 fl., in 1400 the stewardship of Gebsattel from the abbey of Comburg, in 1404 the fortress of Seldeneck from the burgraves of Nuremberg for 8000 fl., and finally the most significant purchase of all, the fortress of Gailnau with extensive dependencies bordering the county of Hohenlohe-Schillingsfürst in the south-east from count Johann of Hohenlohe for 9000 fl. In two decades Rothenburg had expended nearly 45,000 fl. on territorial acquisitions[118]—prompting the question how the city could afford this substantial sum.

The answer reveals Toppler's machinations and personal ambition. At the outset, the Rothenburg council could not raise the asking-price for Nordenberg and had to borrow from leading citizens, not least Toppler himself, who advanced around a fifth of the purchase price and, instead of awaiting repayment, arranged to have rights of landlordship assigned to him in Nordenberg. This was among the first private purchases by Toppler of landed estates, which by the time of his imprisonment and death in 1408 stretched all around the city in a radius of up to 20 kms, bringing in an annual income of 500 fl. in cash and 6500 fl. from the sale of grain, not to mention other renders in kind.[119] The city also levied substantial taxes on its Jewish community and recouped some of its outlay by selling on rights of landlordship to its citizens whilst firmly retaining its jurisdictional authority.[120] Although a few further acquisitions followed after Toppler's demise, the city turned its attention to consolidating its territory, the so-called *Landwehr*, by eliminating the residual rights of other lords.[121]

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[118] Woltering, 'Rothenburg', part 1, pp. 17–21; Schnurrer, 'Grundherrschaft Topplers', p. 62.

[119] Schnurrer, 'Grundherrschaft Topplers', pp. 65–74. On his death, his estates were forfeit to the crown by reason of Toppler's high treason against king Rupert of the Palatinate, and Rothenburg initially offered 7000 fl. to take them over. Toppler's heirs vigorously objected, but in 1408 agreed to pay the city 10,650 fl. in compensation. By 1413, however, the estates had largely been alienated.

[120] Woltering, 'Rothenburg', part 1, pp. 16, 20.

[121] In 1422 Rothenburg inherited the village of Oberstetten from a burgher, bought as an opportunity purchase the villages of Hornau and Preuntsfelden in 1538, and in that same decade gained rights of capital jurisdiction over three villages belonging to the bishopric of Eichstätt and two from Hohenlohe-Schillingsfürst. Woltering, 'Rothenburg', part 1, pp. 20, 49.

The string of fortresses acquired by Rothenburg indicates that defensive considerations were uppermost in the council's mind; that included ensuring the supply of foodstuffs to the city's market and the security of its trade routes.[122] Indeed, the castles became centres of administration and military *points d'appui*, often staffed by lesser nobles eager to gain a secure living in civic employ.[123] Any doubts about this territorial imperative are quickly dispelled by Rothenburg's efforts to construct a defensive cordon around its territory, beginning with a hedge and ditch in 1430 and culminating in an elaborate system of three parallel earthworks around twenty metres wide, with two moats between, along whose central mound ran a bridle-path, and flanked on the outside by a brushwood hedge. At the intersection of major roads stone-built watchtowers were erected, and passage regulated by barred gates. This cordon, known as the *Landhege*, was completed around 1480.[124] Not all Rothenburg's territory, however, was encircled by these elaborate fortifications. Three villages in the north-west lay outwith the *Landhege* (though a simpler earthwork, the *Beihege*, was built around them), while along the Frankenhöhe ridge to the east, which marked the boundary with Brandenburg-Bayreuth, Brandenburg-Ansbach, and Hohenlohe-Schillingsfürst, the *Landhege* was replaced by a series of defensive rings which made use of the steep slopes of the Frankenhöhe to deter intruders.[125]

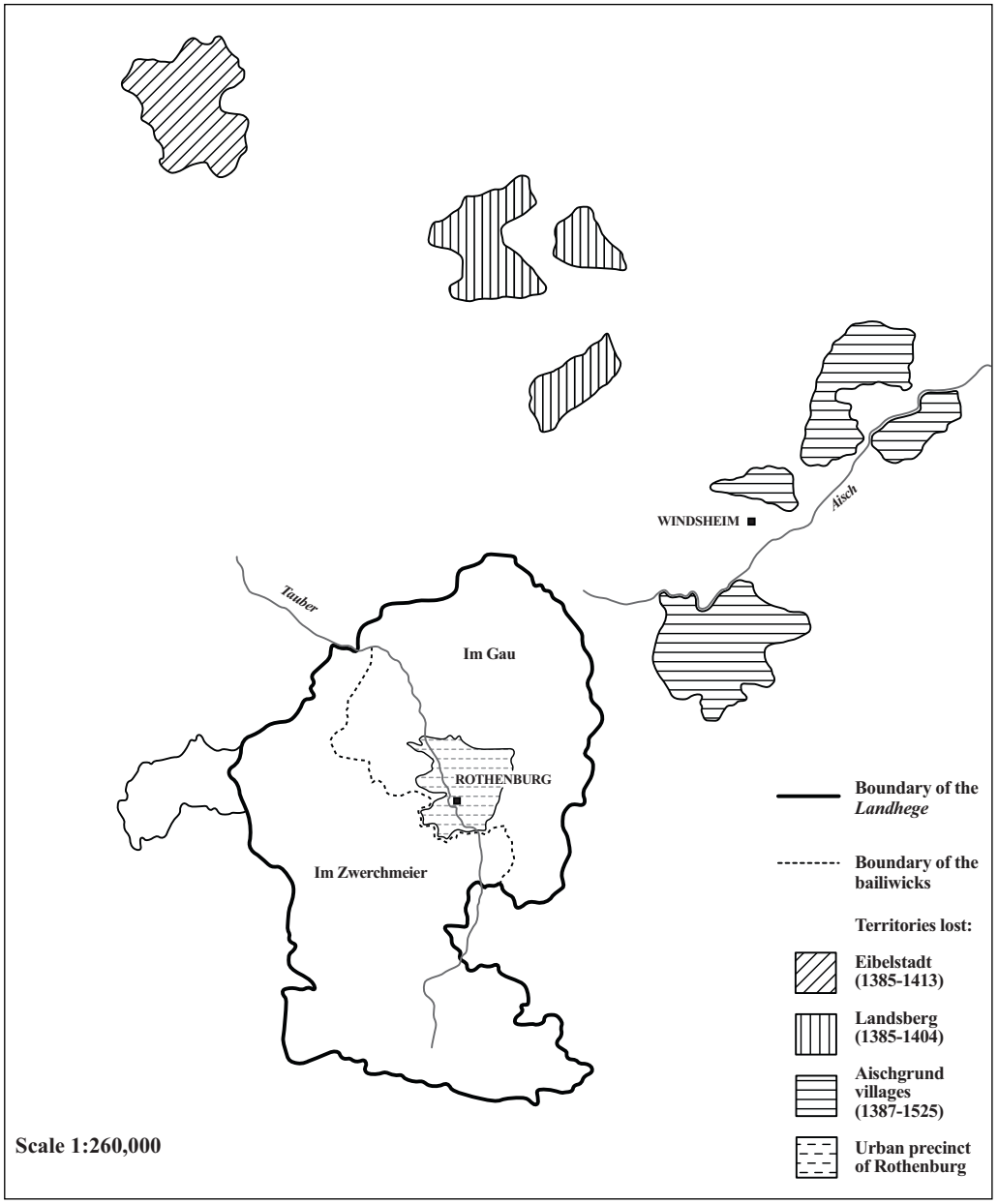
Although the construction of the *Landhege* initially elicited no protests from Rothenburg's princely neighbours, the belligerent margrave Albrecht Achilles of Brandenburg took strong exception to the city's plans, and set about destroying what he could, until the council's shrewd tactic in rendering him military assistance against third parties brought his reluctant acquiescence in 1460. But other princes were equally unhappy and no less destructive; the issue was not resolved until a privilege of Maximilian in 1507 recognized the integrity of the *Landhege*.[126] These attacks may suggest that the cordon possessed some military value, but recent scholarship has been dismissive. Contemporary sources praised the fortifications as a deterrent to robber barons, but the feuds which are

[122] Woltering, 'Rothenburg', part 1, p. 14; Schnurrer, 'Grundherrschaft Topplers', p. 61.
[123] Woltering, 'Rothenburg', part 1, pp. 105–6.
[124] Woltering, 'Rothenburg', part 1, pp. 11, 21, 108–11; Schneider, 'Grenzlinien', pp. 114–15, 117–18.
[125] Woltering, 'Rothenburg', part 1, pp. 109–11.
[126] Woltering, 'Rothenburg', part 1, pp. 26–7, 110.

such a signal feature of the age seem to have transgressed these frontiers with impunity.[127] By the sixteenth century, in any case, when advances in warfare made such rough-and-ready defences obsolete, the function of Rothenburg's *Landhege*—or the perception of its function—had begun to change. The *Landhege* became ever more a symbol of Rothenburg's sovereignty within its bounds. That sovereignty was originally vested in capital jurisdiction (*Fraisch*), but its restriction to criminal jurisdiction made it an imperfect instrument of state-building. Accordingly, after 1500 the city pursued a double strategy, using civil, fiscal, and military judicial rights as well.[128] Over time the *Landhege* was increasingly taken to mark the boundary of an areal state, as manifested after the Thirty Years War in the reinforcement of the frontier with customs-posts.[129] Yet enclaves within the *Landwehr* were never entirely eliminated, so that even by the end of the old Empire Rothenburg had still not achieved its goal of a *territorium clausum*.[130]

This drive towards *Staatlichkeit*, while undoubtedly accompanied by efforts to impose concerted rule upon all its subjects, was not reflected in a harsh administrative regime. The Landwehr was divided into two bailiwicks, Im Gau and Im Zwerchmeier, with little or no attempt to extract heightened seigneurial revenues. Given that Rothenburg remained under the control of a patriciate, with merchants and craftsmen neither economically dominant nor politically represented, one might expect to find a strong interest on the part of the city's ruling elite in maximizing feudal revenues. One—admittedly stray—calculation from 1574 does indeed record over thirty percent of the city's budget as stemming from rural renders of various kinds, including servile dues, a figure even higher than those posited for Ulm,[131] but signs of unrest among Rothenburg's rural population—the exceptional circumstances of the Peasants' War aside—were by and large absent. The city's peasants were required to pay a hypothecated tax for the upkeep of the Landhege (the Klauen- or Grabensteuer) from the mid-fifteenth century onwards, but this does not seem to have led to protests, even though

[127] Schneider, 'Grenzlinien', pp. 119–21, against Woltering, 'Rothenburg', part 1, p. 111.
[128] Woltering, 'Rothenburg', part 1, pp. 44, 51, 55.
[129] Woltering, 'Rothenburg', part 1, p. 116.
[130] Woltering, 'Rothenburg', part 1, pp. 55, 69; Schneider, 'Grenzlinien', pp. 121–2.
[131] Leiser, 'Territorien süddeutscher Reichsstädte', p. 978.



Map 5. Territory of Rothenburg ob der Tauber in the Sixteenth Century.

they were also obliged to perform military services.[132] Rothenburg did have serfs, though manumission was both possible and frequent. Woltering, somewhat quixotically, suggests that the lesser nobility may even have encouraged their serfs to buy their freedom as a much-needed source of income; at all events, as Rothenburg acquired more serfs in the sixteenth century in the course of further acquisitions, manumissions kept pace.[133]

The city, indeed, seems hardly to have interfered in the rural constitution, apart from enforcing monopsony. The few rural crafts necessary for survival Rothenburg allowed to continue, though new concessions (*Ehaften*) were not permitted. The city made no attempt, moreover, to alter the prevalent practice of partible inheritance.[134] Woltering's summary of Rothenburg's rule is that it was benign, at least in comparison with its princely neighbours, Brandenburg, Hohenlohe, and the lesser nobility and knights. He goes so far as to suggest that the situation of the Franconian peasantry in general around 1500 was quite favourable—a verdict which will astonish those familiar with Rudolf Endres's researches, and which may be impossible to sustain.[135]

6

As the centre of a lucrative salt-trade from the local salt-pits, Schwäbisch Hall from an early stage had the means, if it so chose, to embark upon a policy of territorial expansion. Its paramount concern in the fourteenth century, however, was to destroy the strongholds of the surrounding nobility and to prevent the construction of new ones. This is understandable in the light of attempts by its immediate neighbours, the Schenk von Limpurg, to make their own fortress of Limpurg the focus of a dynastic territory, to which Hall would have been subor-

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[132] Herbert Woltering, 'Die Reichsstadt Rothenburg ob der Tauber und ihre Herrschaft über die Landwehr', part 2, *Jahrbuch des Vereins Alt-Rothenburg*, 1971/72, p. 88; idem, 'Rothenburg', part 1, 133–4.

[133] Woltering, 'Rothenburg', part 2, pp. 72–3.

[134] Woltering, 'Rothenburg', part 1, pp. 36, 142–3.

[135] Woltering, 'Rothenburg', part 2, pp. 95–6, 102. See Rudolf Endres, 'Probleme des Bauernkriegs im Hochstift Bamberg', *Jahrbuch für fränkische Landesforschung*, 31 (1971), pp. 91–138; idem, 'Der Bauernkrieg in Franken', *Blätter für deutsche Landesgeschichte*, 109 (1973), pp. 90–115.

dinated.[136] Only once that danger had been averted was Hall's status as an imperial city assured. It was further underpinned in 1382 when the city acquired the mortgaged office of imperial magistrate (*Reichsschultheißenamt*) from the counts of Leuchtenberg, to which rights of capital jurisdiction attached.[137] Even then, there were few signs of any collective endeavour to dominate the hinterland. Members of the city's patriciate were buying up rural jurisdictions and estates which ultimately found their way into civic ownership: in a city where the rule of patrician families was tempered but never overthrown, it is obvious that the interests of individual councillors could over time shade into a collective policy.[138]

Only in 1446 did Schwäbisch Hall undertake its first purchase, the district of Honhardt, from the knights of Bebenburg for a total of 8500 fl. over three years, but immediately transferred ownership to the civic Hospital, for reasons which remain unclear.[139] In any case, overlordship was exercised jointly with Brandenburg-Ansbach, and Honhardt never became a fully integrated constituent of Hall's territory. It took almost another forty years for the city to buy out the estates of its patrician Götz von Bachenstein in 1481/82 for 1800 fl., and a similar interval again before its citizen Caspar Eberhardt sold his estates in Enslingen in 1515/16 for 3900 fl. By the second decade of the sixteenth century, therefore, Hall had still expended no more than 14,200 fl. on major territorial acquisitions, mostly from its own burghers.[140] From the 1520s a more deliberate resolve to build up a landed territory may at last be discerned.

Over the next fifty years Hall bought up extensive property from the canonry of Comburg (the abbey had been turned into a collegiate knightly foundation in 1488) in 1521/22 for 5108 fl., the following

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[136] Beate Iländer, *Verfassung und Verwaltung der Reichsstadt Schwäbisch Hall vom Ende des Dreißigjährigen Krieges bis zum Ende der Reichsstadtzeit (1648–1806)* (Veröffentlichungen des Stadtarchivs Schwäbisch Hall, 15) (Schwäbisch Hall, 2001), pp. 41–2; Schneider, 'Grenzlinien', pp. 112–13.

[137] Iländer, *Verfassung und Verwaltung*, p. 42.

[138] Iländer, *Verfassung und Verwaltung*, p. 42; Schneider, 'Grenzlinien', p. 113.

[139] Iländer, *Verfassung und Verwaltung*, pp. 53, 233, 255. Dieter Kreil, *Der Stadthaushalt von Schwäbisch Hall im 15./16. Jahrhundert. Eine finanzgeschichtliche Untersuchung* (Forschungen aus Württembergisch Franken, 1) (Schwäbisch Hall, 1967), p. 238. It has been conjectured that Hall had borrowed the purchase price from its Hospital, but why a rich city should have needed to do so is not readily intelligible. Cf. Iländer, *Verfassung und Verwaltung*, p. 221 n. 286.

[140] Kreil, *Stadthaushalt*, p. 283.

year rights of chase from count Albrecht of Hohenlohe for 2000 fl., but more significantly estates and lordships from the counts of Limpurg in successive stages between 1522 and 1541, including Oberlimpurg castle itself in two instalments, for a total of 50,000 fl., and lastly the district of Ilshofen from Hohenlohe in 1562 for 20,532 fl., after the condominium over Ilshofen and Kirchberg held by Rothenburg, Dinkelsbühl, and Hall was abandoned and the districts sold to Hohenlohe.[141] To these were added up to 1610 the Vellberg lands held by various knights and the counts of Hohenlohe for an inflationary, though still colossal, 182,000 fl., and finally in the early seventeenth century residual rights in Honhardt and the stewardship of Westheim from the dukes of Württemberg between 1615 and 1617 for 119,000 fl.[142] At that point, Hall's territory amounted to 330 km^2, embracing two towns, Ilshofen and Vellberg, with a population of perhaps 11,000 over against 5000 in Schwäbisch Hall itself.[143]

Although Hall's territory was essentially an achievement of the sixteenth century, the city, according to some sources, had begun to construct a ditch-cum-rampart around its rural possessions by 1350, a date so early that one wonders what lands it could possibly have encompassed.[144] Even recent voices who have posited a date at the turn of the fourteenth century concede that at the time of the Second Cities' War in the late 1440s (which hit Hall hard) its *Landheg* was not complete; indeed, it is described half-a-century later during Maximilian's reign as yet to be finished, with new stretches still being added in the 1550s![145] This is not as absurd as it sounds, since unlike Rothenburg Hall's *Landheg* seems to have served primarily defensive purposes, rather than staking out a jurisdictional boundary, so that further acquisitions entailed an extension of the fortifications, with existing ditches being subsumed within civic territory. What emerges from recent meticulous efforts to reconstruct the course of the *Landheg* is that in the south-

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[141] Iländer, *Verfassung und Verwaltung*, pp. 47, 61, 63; Kreil, *Stadthaushalt*, pp. 283–4; Gerd Wunder, 'Reichsstädte als Landesherren', p. 81. See above n. 116.

[142] Kreil, *Stadthaushalt*, pp. 285–6; Gerd Wunder, 'Reichsstädte als Landesherren', p. 81.

[143] Iländer, *Verfassung und Verwaltung*, pp. 233, 245; Schneider, 'Grenzlinien', p. 116; Gerd Wunder, 'Reichsstädte als Landesherren', p. 79. The figures are taken from the end of the eighteenth century, but the general proportion probably obtained around 1600 as well.

[144] Hans Mattern and Reinhard Wolf, *Die Haller Landheg. Ihr Verlauf und ihre Reste* (Forschungen aus Württembergisch Franken, 35) (Sigmaringen, 1990), p. 12; Gerd Wunder, 'Reichsstädte als Landesherren', p. 84; Iländer, *Verfassung und Verwaltung*', p. 42.

[145] Mattern and Wolf, *Haller Landheg*, p. 12; Schneider, 'Grenzlinien', pp. 115, 120.

west it even ran outside Hall's dependent territory! That, again, is not necessarily paradoxical, since the city had rights in the forests between Frankenberg and Dendelbach, so that these woodlands, lying outwith any village boundaries, may have marked the line of the *Landheg*, rather than the *Amt* of Rosengarten.[146] Yet the Hall *Landheg* never embraced Honhardt (understandably, no doubt, in view of the shared sovereignty) or Vellberg (perhaps on account of its late acquisition), though it did include Ilshofen. Moreover, while legal opinion came to regard the *Landheg* as the frontier of Hall's sovereignty—that is, the mark of jurisdictional exclusivity (only finally recognized in 1678)—the city's territory was never a *territorium clausum*.[147] Apart from the compact enclaves of the Knights Hospitaller of St John and the knightly lordship of Braunsbach, other foreign lords retained rights of lesser jurisdiction and fiscality, though Hall was careful to affirm its overlordship vested in capital jurisdiction.[148]

The inhabitants of the seven administrative districts into which Hall's territory was divided (if Honhardt is included) enjoyed communal autonomy, but no political voice in the city's counsels; at the same time, Hall was concerned to promote the integrity of large undivided farms in a region of impartibility.[149] Many of Hall's rural subjects were serfs—their status furnishing the basis for exacting personal renders such as the heriot and the servile shilling—but serfdom constituted a slight material burden. Instead, what weighed more heavily were the attendant restrictions on marriage and movement, though manumission was always possible.[150] Economic activity, too, was subject to regulation. According to Beate Iländer, village crafts were closely supervised by the council, and rural guilds rarely sanctioned; this view has been challenged, however, by Terence McIntosh, who finds evidence of direct craft competition (in shoemaking, for instance) and of rural manufacturing (linen-weaving) from the sixteenth century.[151]

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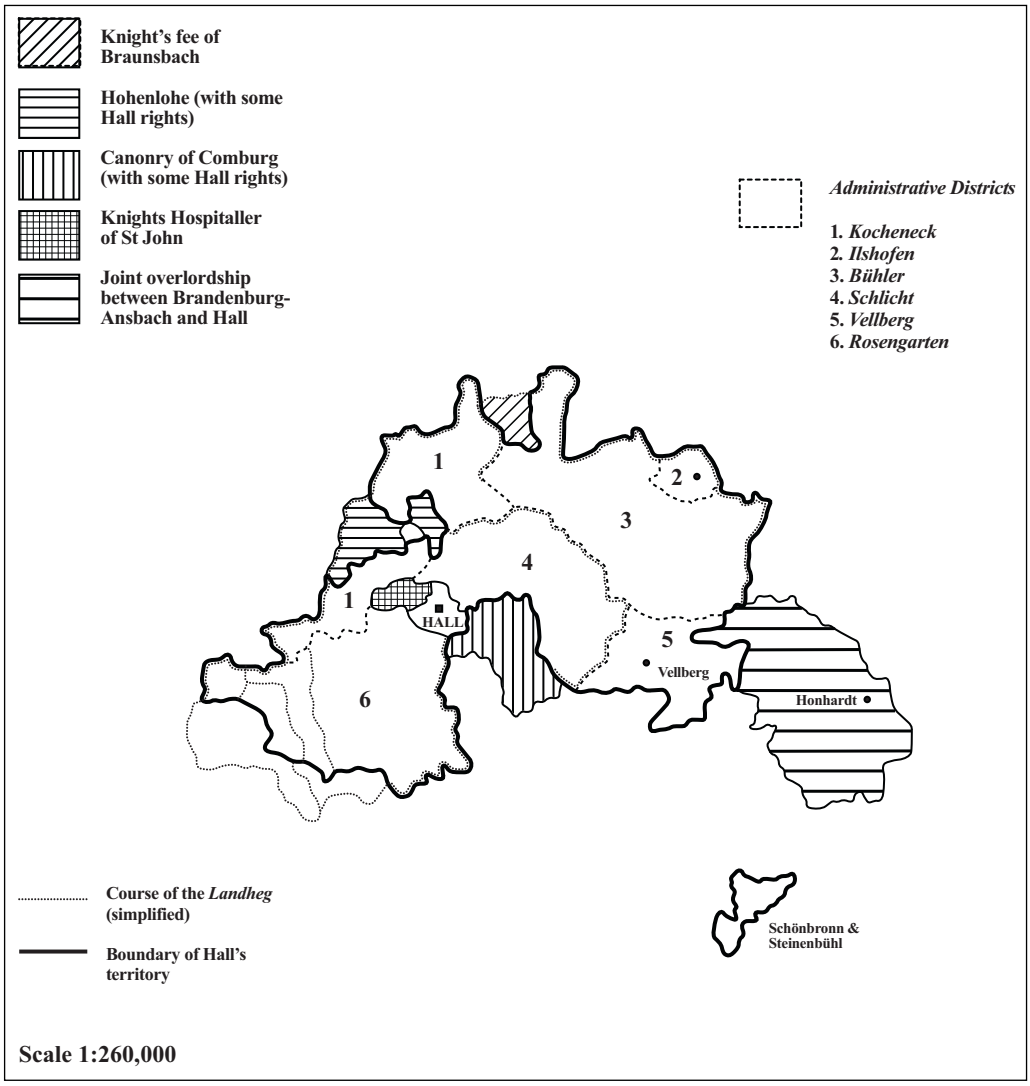
[146] Mattern and Wolf, *Haller Landheg*, pp. 31–8.
[147] Iländer, *Verfassung und Verwaltung*, pp. 47, 235.
[148] Iländer, *Verfassung und Verwaltung*, pp. 64, 91.
[149] Iländer, *Verfassung und Verwaltung*, pp. 233, 236.
[150] Iländer, *Verfassung und Verwaltung*, pp. 93, 255.
[151] Iländer, *Verfassung und Verwaltung*, p. 256; Terence McIntosh, *Urban Decline in Early Modern Germany. Schwäbisch Hall and its Region, 1650–1750* (The James Sprunt Studies in History and Political Science, 62) (Chapel Hill, NC/London, 1997), pp. 88, 95, 98. It is not clear from McIntosh's account whether the rural craftsmen were located within Hall's territory or beyond.



Map 6. Territory of Schwäbisch Hall, circa 1600.

None of this constitutes any compelling evidence of deliberate exploitation. With the benefit of hindsight, Hall's territory satisfied the conservative requirements of securing supplies of produce, a steady stream of agrarian revenues, and a military *cordon sanitaire* (though it is doubtful whether the *Landheg* was ever much of a deterrent).[152] But a commercial metropolis, whose fortunes rested upon its salt industry, must have required regular and substantial supplies of timber to its furnaces where the brine was evaporated into salt crystals. Gerd Wunder has calculated that Hall's salt-works burnt over 130,000 m^3 of timber a year.[153] Schwäbisch Hall had a *prima facie* interest, therefore, in controlling—indeed, in commandeering—the timber resources of its hinterland. It might be supposed that the city would have strained every sinew to purchase the forests to the south of the city belonging to the counts of Limpurg, upon which it depended for the bulk of its supplies. It did no such thing. While the city did succeed in acquiring substantial estates from the counts of Limpurg, the latter were far too canny—and too rich—to alienate their core possessions. Though there were frequent disputes over customs-dues, and periodic blockades, until a settlement was finally achieved in 1512, the Schenk von Limpurg had little interest in prolonged obstruction, since they themselves were the principal beneficiaries of Hall's need for timber.[154] Hall's territorial policy, therefore, cannot be regarded as the outflow of any calculated economic or financial advantage; had it been, it should have been instigated much earlier and pursued with more purpose and consequence. What the city achieved—albeit tardily—was not informed by an overriding imperative: neither the explicit protection of trade routes nor the securing of essential supplies, let alone the active repulsion of princely threats to its survival; rather, it strove for the incremental increase of a landed territory, often, it seems, by opportunity purchases, which guaranteed an enhanced measure of existential security.

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[152] Iländer, *Verfassung und Verwaltung*, p. 236; Schneider, 'Grenzlinien', p. 120.

[153] Gerd Wunder, 'Die Stadt am kleinen Fluß. Schwäbisch Hall', in Erich Maschke and Jürgen Sydow (eds), *Die Stadt am Fluß* (Stadt in der Geschichte. Veröffentlichungen des Südwestdeutschen Arbeitskreises für Stadtgeschichtsforschung, 4) (Sigmaringen, 1978), p. 106.

[154] Gerd Wunder, 'Stadt am kleinen Fluß', pp. 106, 108. Quite apart from this economic equation, any sale of the Limpurg forests would have stripped the counts of Limpurg of their membership of the imperial Estates (*Reichsstandschaft*). I am indebted to Dr Andreas Maisch for drawing my attention to this point in a letter of 20 Sept. 2005.

7

Although the smallest of the city-states under consideration—at around 220 km^2 it matched Strasbourg—Rottweil displays three unique features. The city was the seat of an imperial court of justice (*Hofgericht*), whose judges (*Assessoren*) simultaneously served as civic councillors (the clerk to the court was likewise city syndic); it was surrounded by an ancient royal chase of the Hohenstaufen, the *Freie Pürsch*, with appurtenant rights of capital jurisdiction and escort, which eventually fell to the city;[155] and from 1463 onwards Rottweil was an associate (*zugewandter Ort*) of the Helvetic Confederation, finally concluding a treaty of perpetual alliance with the Swiss in 1519. The latter two features, in particular, were to have a decisive bearing on Rottweil's territorial expansion.

To all appearances, Rottweil's territorial expansion falls into three distinct stages, each marked by the turn of a century. Up to 1400 Rottweil citizens were buying up rural estates *en masse* both in the vicinity and further afield; that held good, too, for the city's Hospital and its Holyrood fraternity.[156] These possessions eventually passed under civic control. Moreover, Rottweil was willing to attach the rural population to its interests by the use of outburghership. Nobles, convents, and clerics were designated as 'Edelbürger' (though that implied at least periodic residence within the walls), but the city also extended paleburghership to commoners in the countryside, which became an important instrument in consolidating its rural territory.[157] At mid-century, the counts of Hohenberg, whose financial difficulties we have already encountered in discussing Ulm, began to sell their mortgaged imperial fiscal rights to Rottweil, only to cede their towns of Oberndorf and Schömberg in mortgage to the city in 1378; these were redeemed seven years later.[158] More significantly, the city bought up a string of castles between 1365 and 1400, which lay widely scattered to all points of the compass except south. The acquisition of strongholds followed no strategic logic: they were not situated along major overland trade routes, let alone the

[155] For this reason Rottweil was excluded from analysis by Gerd Wunder, 'Reichsstädte als Landesherren', p. 79.

[156] Josef Adolf Merkle, *Die Entwicklung des Territoriums der Stadt Rottweil bis 1600* (Darstellungen aus der württembergischen Geschichte, 11) (Stuttgart, 1913), pp. 22–3, 32, 48–9, 78–9, 106. This activity continued well beyond 1400: by 1450 Rottweil citizens held property in 130 villages and hamlets!

[157] Merkle, *Entwicklung*, pp. 77–8, 105.

[158] Merkle, *Entwicklung*, pp. 19, 86.

Neckar as a fluvial artery; rather, they served as a defensive shield. They certainly did not mark the onset of a calculated territorial policy.[159]

With the fifteenth century came a change in direction, both interventionist and geopolitical. Between 1405 and 1411 Rottweil made its first collective rural acquisitions, beginning with four villages on or near the Neckar, either wholly or in part: an eighth of the jurisdiction of Zimmern ob Rottweil from Konrad von Sinkingen in 1405 for £6, half of Deißlingen—its first purchase to the south—from the counts of Hohenzollern in 1407 for 250 fl.,[160] and in 1410/11 the villages of Dietingen and Irslingen, together with various lands and rights attaching to the Neckarburg, from the counts of Sulz for 1700 fl.,[161] though full ownership of the lordship and stronghold of the Neckarburg itself eluded Rottweil's grasp until the seventeenth century. But the truly spectacular acquisition was the capital jurisdiction associated with the *Freie Pürsch* at some point between 1410 and 1416, which formed the core of the city's subsequent territorial sovereignty.[162]

Under what circumstances Rottweil came into possession of what had been a former imperial bailiwick remains obscure; not even the purchase price is known. It has been plausibly suggested that the transfer should be seen in the light of Sigismund of Luxemburg's overtures to the Swabian cities in his attempt to wrest the imperial throne from his father Wenceslas and his cousin Jobst of Moravia.[163] Yet despite its fundamental importance, the *Freie Pürsch* never encompassed lower jurisdiction (*Niedergerichtsbarkeit*); where such rights were vested in foreign lords Rottweil had no purchase on them, so that the goal of a *territorium clausum* could never be attained.[164] Nevertheless, Rottweil succeeded in substantially extending the juridical area of the *Freie Pürsch* to the south and west, coming to legal blows as a result with the abbey of St

[159] Merkle, *Entwicklung*, pp. 86–8. The castles were Bern by Blonberg (N), Burg an der Waldstraße (NE), Schildeck (W) (temporarily), Schiltach (W), Gößlingen (N), and Wendlingen (E).

[160] Deißlingen was transferred in the 1420s to the Holyrood fraternity, which had already acquired the remaining share of the village. Merkle, *Entwicklung*, p. 95.

[161] Merkle, *Entwicklung*, pp. 88–9, 95–6, 113–14.

[162] Merkle, *Entwicklung*, pp. 89–90; Winfried Hecht, 'Rottweil und die Städte am oberen Neckar', in Franz Quarthal (ed.), *Zwischen Schwarzwald und Schwäbischer Alb. Das Land am oberen Neckar* (Veröffentlichungen des Alemannischen Instituts Freiburg, 52) (Sigmaringen, 1984), p. 486.

[163] Jörg Leist, 'Reichsstadt Rottweil. Studien zur Stadt- und Gerichtsverfassung bis zum Jahre 1546' (Diss. phil. Tübingen, 1962), p. 157.

[164] Leist, 'Reichsstadt Rottweil', p. 159.

Georgen, the Austrian town of Villingen, and not least the counts of Württemberg.[165] Although the city undertook several more minor purchases during the fifteenth century (none of which it retained),[166] the acquisition of the *Freie Pürsch* is held to have rendered an active territorial policy redundant for well-nigh one hundred years.[167] As events in the sixteenth century were to show, this verdict must be treated with some caution.

The city's geopolitical reorientation followed upon Rottweil's associate membership of the Swiss Confederation, established in a succession of fifteen-year treaties. That decision has been regarded as both intelligible and predictable. And it is certainly true that Rottweil's interest in lands south of the Rhine was manifest in the eagerness with which it capitalized upon the outlawry of duke Friedrich IV of Austria in 1415 during the Council of Konstanz to launch an expedition against the Austrian Thurgau, joining forces with the Swiss to besiege and capture Frauenfeld.[168] Nevertheless, while Rottweil lay no more than fifty-two kilometres north of Schaffhausen, which had been granted associate membership of the Confederation in 1454 in the wake of the Swabian cities' league against Austria eight years previously, Rottweil itself had initially sought protective alliances elsewhere, including two with the Habsburgs in the 1450s. Only the failure of these alliances to bring any lasting security drove Rottweil into the arms of the Swiss in 1463. Even then, the city continued to be pulled in two directions. It was keen to join the Swabian League in 1487 and gained the Confederates' reluctant permission to do so, but in the end desisted in favour of its diplomatic obligations to the Swiss.[169] Underpinning this southern attraction were familial and commercial interests. Rottweil's patriciate had strong ties of kinship with its peers in Schaffhausen, Stein am Rhein, and Konstanz,[170] and it was towards the Rhine that it directed its commercial gaze. The city's textile industry exported to markets on the *Hochrhein* and

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[165] Merkle, *Entwicklung*, pp. 90–1. Only in 1515 was the boundary of the *Freie Pürsch* between Rottweil and Württemberg settled after forty years' wrangling.

[166] Merkle, *Entwicklung*, pp. 101–2. Between 1434 and 1440 Rottweil held the village of Hausen ob Verena, belonging to the lordship of Karpfen, possibly via rights of outburghership, and the lordship of Falkenstein for two brief periods in the 1410s and 1470s.

[167] Merkle, *Entwicklung*, p. 83.

[168] Leist, 'Reichsstadt Rottweil', pp. 157–8.

[169] Placid Bütler, 'Die Beziehungen der Reichsstadt Rottweil zur schweizerischen Eidgenossenschaft bis 1528', *Jahrbuch für schweizerische Geschichte*, 33 (1908), pp. 57, 69–73.

[170] Hecht, 'Rottweil', pp. 487–8.

Lake Constance; its clothiers and sicklesmiths frequented the Zurzach fairs; and it functioned as a grain entrepôt for shipments to northern Switzerland.[171] However intelligible the Swiss alliance may have been, it cannot be said that it led to any obvious efforts to acquire a bridging territory; in what was a relatively open and unconsolidated landscape Rottweil faced no serious princely rivals on its southern flank except the counts of Fürstenberg. Only in the third phase of its territorial policy, at the turn of the fifteenth century, did its links with the Confederation influence Rottweil's decision-making.

That final stage began with Rottweil's military expedition against the town of Oberndorf almost twenty kilometres downstream on the Neckar in 1496. Rottweil sent troops to help the four sons of Johann Werner von Zimmern, who had died the previous year, to make good their inheritance to the lordships of Mößkirch and Oberndorf in the face of rival claims by the counts of Werdenberg. As a precaution, the four Zimmern brothers had renewed the family's erstwhile rights of outburghership in the city, which allowed Rottweil to entertain hopes that these might be turned to advantage in acquiring Oberndorf for itself. Indeed, the huge costs of the campaign compelled the Zimmern to sell their sizeable lordship of Zimmern vor Wald, including the towns of Herrenzimmern and Oberndorf, to Rottweil for 20,000 fl., while retaining rights of reversion; these were in fact exercised shortly thereafter.[172] After a dynastic partition in the house of Zimmern in 1508 (which led to squabbles among the brothers), Johann Werner the younger decided to sell his part of the lordship vor Wald to Rottweil in 1513 for £1840, and even offered to include Oberndorf, though the Habsburgs quickly objected that the town had originally been held as a mortgage from Austria by the counts of Hohenberg, from whom it had then passed to the Zimmern.[173]

These events subsequently provoked the scornful judgement of the Chronicle of the counts of Zimmern that the Rottweilers 'were sharp and bought it [Oberndorf] from him for a paltry sum, intending thereby to expand their territory, for at the time they were keen to become a member of the Confederation, but they lacked a territory' (Rottweil's

[171] Hecht, 'Rottweil', p. 491; Wilfried Enderle, 'Rottweil und die katholischen Reichsstädte im Südwesten', in Schindling and Ziegler, *Territorien des Reichs*, 5: *Der Südwesten*, p. 218.
[172] Merkle, *Entwicklung*, pp. 108–9.
[173] Merkle, *Entwicklung*, pp. 110–11.

associate membership had lapsed in 1507 and was not renewed until 1519).[174] To unravel what was at stake we need to go back to the expedition against Oberndorf in 1496. At first sight, it had nothing to do with the Swiss, though Rottweil did its best to keep the affair secret from the Confederates, who were highly displeased when it did finally come to light.[175] But in the terms of the sale of the Zimmern lordships located to the north of Rottweil were included several further-flung jurisdictions which were either adjacent to the Confederation or lay near the Rhine: a share in the bailiwick of Hilzingen in the Hegau (abutting Schaffhausen's territory), and four villages in the Höri, the promontory jutting out at the western end of Lake Constance.[176] Had Rottweil been able to retain these possessions, it might indeed have been in a position to emulate Schaffhausen, whose status as a full member of the Confederation was confirmed in 1501.[177] As it was, the Swiss War of 1499 left Rottweil dangerously exposed, and in no position to pursue a more active policy of 'turning Swiss'.[178] The most it was able to achieve by way of expansion southwards, aside from its early acquisition of Deißlingen, was to integrate into its territory the villages of Dauchingen, Mühlhausen, and Weilersbach, which belonged to the Holyrood fraternity.[179]

Although Rottweil never did acquire Oberndorf, for the rest of the sixteenth century it steadily bought up further rights and estates from the counts of Zimmern, either directly or through third parties. In 1523 the Holyrood fraternity paid 500 fl. for judicial rights in Dunningen; in 1535 Gottfried Werner von Zimmern, heavily in debt, sold Hochmössingen and Winzeln for 4220 fl. (provoking another scornful outburst from

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[174] Hansmartin Decker-Hauff (ed.), *Die Chronik der Grafen von Zimmern*, 2 (Darmstadt, 1967), p. 116: *Die waren geschmitzt und kauften im das umb ain gering gelt ab, vermainten damit ir landschaft erweitert zu haben, dann der zeit weren sie gern ain ort in der Aidtgnosschaft worden, so fält es inen aber an der landschaft.* Cf. Hecht, 'Rottweil', p. 486. Bütler, 'Beziehungen', pp. 112–13, 122.

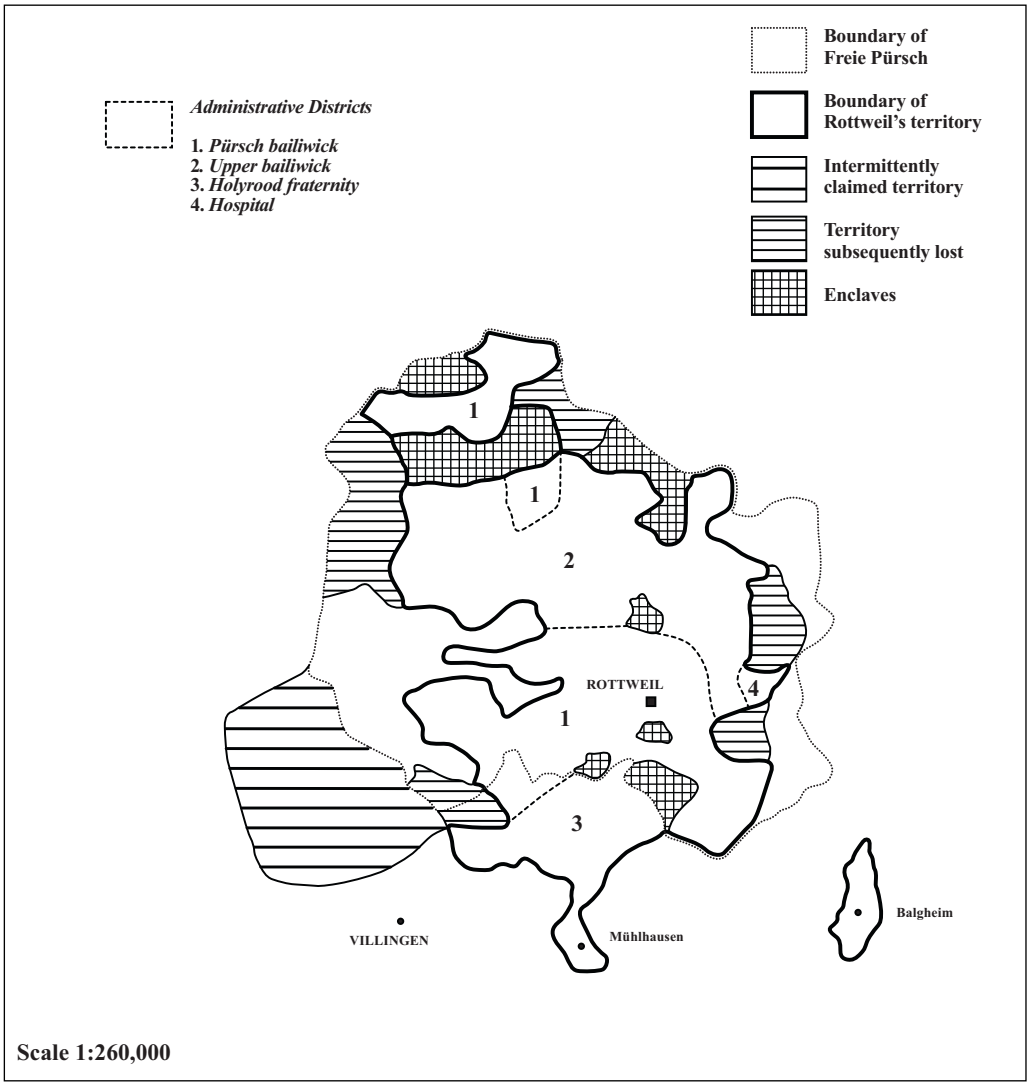
[175] Bütler, 'Beziehungen', pp. 91–2. The outlawry proclaimed against Zimmern and Rottweil blew the latter's cover.

[176] Merkle, *Entwicklung*, p. 109. The villages were Weiler, Iznang, Horn, and Gundholzen.

[177] It is worth quoting in this regard Hecht's assessment: *Es ist freilich bezeichnend, daß das Ziel der Territorialbildung für die Rottweiler weniger in der Beherrschung des Gebiets zu beiden Seiten des Neckaroberlaufs bestand, als vielmehr im Bemühen, sich eine Basis zu schaffen, auf der man für eine politische Organisation weit südlich seiner Grenzen bündnisfähig werden wollte.* Hecht, 'Rottweil', p. 486.

[178] Bütler, 'Beziehungen', pp. 104–5.

[179] Merkle, *Entwicklung*, p. 106.



Map 7. Territory of Rottweil, circa 1600.

the Zimmern chronicler, who described him as irresponsible and extravagant);[180] and in the same year Johann Werner the younger surrendered his fief of castle Schenkenberg to the city. By that stage, the counts of Zimmern retained only Seedorf and the fortress of Herrenzimmern: these fragments then passed to Rottweil on the death of the last male Zimmern, count Wilhelm, in 1595 for 88,900 fl.[181]

The steady erosion of Zimmern lordships stands in marked contrast to Rottweil's utterly opportunist attempt to exploit the expulsion of duke Ulrich from his principality of Württemberg in 1519. The city despatched 3000 troops—brandishing the Swiss flag!—to occupy Württemberg territory on all sides: Schiltach and Alpirsbach in the north-west; Rosenfeld in the north-east; Erdmannsweiler and Burgberg in the south-west; and Schwenningen, Thuningen, Ofingen, Unterbaldingen, and Trossingen in the south. Only the attempt to take Tuttlingen foundered. Whether Rottweil really believed that it could hold on to these conquests (which would have increased its territory appreciably and permitted some *arrondissement*) is a moot point: invoking the Swiss backfired, for when the Confederates learnt that Rottweil had undertaken military action without informing them—almost a reprise of Oberndorf!—they promptly forswore any support. Certainly Rottweil negotiated long and hard to retain its conquests; failing that, it demanded 12,000 fl. in compensation. But in 1522 archduke Ferdinand offered the city a mere 4500 fl., payable in three annual instalments, a humiliating climb-down.[182]

For the rest of the century Rottweil was content to let opportunities come to it. In 1538 it acquired Bühlingen and in 1566 half Hausen ob Rottweil from the abbey of St Georgen (a corporate outburgher of the city). And at the very end of the century, after garnering the remaining fragments of Zimmern territory, it acquired the estates of the barons

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[180] Hansmartin Decker-Hauff (ed.), *Die Chronik der Grafen von Zimmern*, 3 (Darmstadt, 1972), pp. 52–3.

[181] Merkle, *Entwicklung*, pp. 112–13, 115. It should be added that the Zimmern also sold estates to other nobles, though even then these often ended up in Rottweil's hands.

[182] Merkle, *Entwicklung*, pp. 116–17; Hecht, 'Rottweil', pp. 486–7; Bütler, 'Beziehungen', pp. 123–4. Rottweil's erratic pursuit of policy is also visible in its earlier attempts to wrest jurisdictional and fiscal rights from the nunnery of Rottenmünster. After much toing and froing the city actually besieged the convent in 1498, a piece of aggression which ended in failure and elicited from king Maximilian the threat to withdraw the imperial court of justice from Rottweil. Merkle, *Entwicklung*, pp. 123–4; Bütler, 'Beziehungen', pp. 95, 99–101, 102.

Ifflinger von Graneck, former citizens who had cut loose to carve out their own lordship, after a disputed inheritance for 81,000 fl.[183] This last and expensive flourish—a total of 169,900 fl. in the space of three years—marked the end of Rottweil's territorial expansion. Within that territory around 10,000 subjects resided, in contrast to 5000 in the city itself.[184] The Zimmern chronicler castigated Rottweil for its territorial voracity, spreading outwards like a cancer,[185] but in truth it is hard to see much consistency in Rottweil's policy: long-term aims rode uneasily against short-term opportunism; the Swiss alliance was never squared with Rottweil's links to the other Swabian cities.

The fundamental problem for Rottweil was whether the *Freie Pürsch*, expressed as capital jurisdiction, was a sufficient basis for territorial consolidation. Given the visible discrepancy between its boundaries and the actual extent of Rottweil's territory, the answer must be no. After 1500, it has been suggested, Rottweil consciously changed tack, striving to acquire rights of landlordship and lesser jurisdiction, not least in order to restrict the scope of foreign lords within its territory to thwart its authority.[186] Rottweil was even prepared to exchange its jurisdictional rights under the *Freie Pürsch* for landed estates elsewhere;[187] the district administered by the Holyrood fraternity, moreover, remained entirely outside the *Freie Pürsch*. Wilfried Enderle has argued that Rottweil's territorial policy in the sixteenth century was in fact the specific substitute for the dwindling importance of the *Freie Pürsch*,[188] a view obliquely endorsed by Karl Siegfried Bader, who pointed out that the construction of a landed territory on the basis of the *Freie Pürsch* was only possible once the city had bought up the rural bailiwicks held by its own citizens.[189]

Even the administrative districts of Rottweil's territory demonstrate an extraordinary lack of cohesion. The Pürsch bailiwick was the largest, but was fragmented, and punctuated by the Upper bailiwick, with several

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[183] Merkle, *Entwicklung*, pp. 117–19. The legal wrangling continued, and the sale was not confirmed until 1603.

[184] Enderle, 'Rottweil', p. 216. These figures are from 1500, but there is no reason to suppose that they were substantially different in 1600.

[185] Decker-Hauff, *Chronik*, 3, p. 179.

[186] If so, it was not very successful: Rottweil's territory remained pockmarked by the estates of other lords, especially ecclesiastical ones. Merkle, *Entwicklung*, pp. 121–4.

[187] Merkle, *Entwicklung*, pp. 103–4.

[188] Enderle, 'Rottweil', p. 216.

[189] Karl Siegfried Bader, *Der deutsche Südwesten in seiner territorialstaatlichen Entwicklung*, 2nd edn (Sigmaringen, 1978), p. 155.

villages in the latter being transferred to the former at the beginning of the seventeenth century.[190] Rottweil's rule over its subjects in our period shows few signs of rationalization or concentration, aside from the usual prohibitions on rural crafts and the obligation to deliver produce to the city's market. That these issues should give rise to vociferous protests in later times, even reaching the imperial Aulic Council in Vienna, may be attributed both to changed circumstances after the Thirty Years War and to the fact that, uniquely among German city-states, Rottweil's rural subjects enjoyed political representation as an Estate.[191]

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It would take considerable bravery (or effrontery) to affirm a common pattern in the territorial expansion of the six cities under review. Ulm and Rothenburg were the earliest to acquire territory on any scale, albeit in very different circumstances; Nuremberg and Schwäbisch Hall did so late, again under widely divergent conditions, with Rottweil and Erfurt chronologically in-between, but both following a path where jurisdictional exclusivity took precedence over the ownership of land. Ulm's territorial expansion does suggest a measure of calculated policy, as does, in retrospect, Nuremberg's exploitation of the *Neue Landschaft*, but Rothenburg's territory depended upon the whim of one man, Hall's was largely piecemeal, and Rottweil's remained caught between conflicting geopolitical interests.

Moreover, the means deployed in acquiring territory were anything but uniform. Rights of capital jurisdiction (*Fraisch*) were frequently but not universally the chosen vehicle; in Rothenburg and Rottweil they gave way by the sixteenth century to civil powers, rights of stewardship, lesser jurisdiction, or simple landlordship, while in Nuremberg the *Fraisch* remained contested in both the *Alte* and the *Neue Landschaft*. Though many lordships were bought outright, many more were acquired as

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[190] Adolf Laufs, *Die Verfassung und Verwaltung der Stadt Rottweil 1650–1806* (Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, B 22) (Stuttgart, 1963), p. 113.

[191] Laufs, *Verfassung und Verwaltung*, pp. 115, 126–7. On the later conflicts see fundamentally Edwin Ernst Weber, *Städtische Herrschaft und bäuerliche Untertanen in Alltag und Konflikt: Die Reichsstadt Rottweil und ihre Landschaft vom 30jährigen Krieg bis zur Mediatisierung* (Veröffentlichungen des Stadtarchivs Rottweil, 14) (Rottweil, 1992), which reviews the extensive literature.

mortgages or with rights of reversion attached, and the sums expended were often lent by individual burghers or civic institutions; territories could subsequently be lost or surrendered. Peaceful means could on occasion yield to force, as Nuremberg seized upon the diplomatic turmoil of the War of Bavarian Succession to invade what became the *Neue Landschaft*, while Rottweil shamelessly occupied the surrounding Württemberg lands in 1519. Equally, cities could choose consciously to let opportunities for acquisition slip, as did Ulm and Nuremberg in the sixteenth century, both calculating that the fiscal or strategic benefits were not worth the likely legal challenges or costs of maintenance.

None of this is to deny certain recurrent themes in urban territorial expansion which historians have been habitually keen to stress: the penetration of bourgeois property-holding in the countryside as the precursor (or even the prerequisite) of a collective territorial policy; or the desire of magistracies to exploit the economic predicament of the feudal nobility and to safeguard civic interests, both military and commercial, by neutralizing nobles' strongholds. Yet these aspects each require critical scrutiny.

The variety of motives which prompted citizens to acquire rural property was wide indeed, ranging from status and prestige, in the hope that over time their estates might form the nucleus of a lordship on which a patent of nobility might be conferred; financial insurance, using estates as a security against riskier investment in long-distance trade; or commercial exploitation, viewing land as an opportunity for agricultural improvement or as a supplier of resources such as wood or minerals.[192] In his study of Nuremberg, Karl-Friedrich Krieger has added the purchase of estates by individual citizens acting, sometimes clandestinely, as straw men on the council's behalf, as has been suggested in the case of Lichtenau.[193] In fact, the Nuremberg council sometimes advanced loans to individuals to buy property in its name, and in the sixteenth century was on occasion willing to sell some of its estates (*not* its jurisdictional rights) back to private citizens.[194] But Krieger also highlights the risks of using bourgeois property as a vehicle of territorial expansion. Most landed estates were acquired as fiefs from the surrounding nobility, which

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[192] Scott, 'Town and country in Germany', pp. 205–6; expanded version, pp. 228–30 (with bibliography).

[193] Krieger, 'Bürgerlicher Landbesitz', p. 94; cf. Leiser, 'Territorien süddeutscher Reichsstädte', p. 970.

[194] Schnelbögl, 'Wirtschaftliche Bedeutung', p. 290.

entailed vassalage. During the First Margrave's War Albrecht Achilles called upon all citizens of Nuremberg in possession of Brandenburg fiefs to render him military service on pain of forfeiting their estates. The problem was all the graver since most of Nuremberg's hinterland was held under feudal tenure and indeed could only have been so acquired in the first place.[195] As Wolfgang Leiser has observed, it was always more convenient (and less compromising) for nobles to sell to individual citizens, especially by mortgage or reversion, since they rated their chances of redemption higher than with alienations to cities as corporations; that was certainly the case in Rothenburg.[196]

Burghers who became too powerful posed an additional danger to a city's territorial policy (as Rothenburg was well aware when it ordered Heinrich Toppler's arrest), for they might abandon their citizenship in favour of becoming feudal lords themselves. In Ulm the Ehinger and Kraft patrician families became territorial vassals of Outer Austria, thereby removing their lordship of Balzheim on the Iller (next door to Wain) from civic territory. Faced with a similar threat in the early sixteenth century Rottweil began to buy out citizens whom previously it had supported in the acquisition of lordships.[197] In Rottweil's case, Merkle has argued, the vast extent of bourgeois landholding may even have delayed the pursuit of a civic territorial policy, though he concedes that the judicial implications of acquiring the *Freie Pürsch* did more to retard that enterprise by making it redundant for the best part of a century.[198] The path leading from bourgeois property rights to collective territorial overlordship is far from straight—the geographical discrepancy between the location of bourgeois estates in Ulm and the city's subsequent territory serves to illustrate the point—and the issue is further complicated by the highly various deployment of outburgher-ship, to which we shall return.

The essentially defensive motives which informed the cities' territorial policy—protection of trade routes and military security against princely aggression—are a commonplace among historians. The takeover of nobles' strongholds (or else their destruction) can be observed in Nuremberg, Erfurt, Rothenburg, Hall, and Rottweil; in Ulm it was implicit in

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[195] Krieger, 'Bürgerlicher Landbesitz', p. 96.
[196] Leiser, 'Territorien süddeutscher Reichsstädte', p. 970; Woltering, 'Rothenburg', part 1, p. 16.
[197] Leiser, 'Territorien süddeutscher Reichsstädte', p. 972.
[198] Merkle, *Entwicklung*, pp. 80–1, 83.

the purchase of the lordship of Albeck and the Helfenstein lands. But the example of Erfurt demonstrates that the acquisition of strategically situated castles for commercial reasons need have no bearing upon a territorial policy at all. Indeed, the evidence from many Hanseatic cities suggests that the axial control of trade routes outweighed the importance of radial ownership of an immediate market and supply area (though that did not apply to Ulm).[199] The undue emphasis in central-place theories on market area as opposed to commercial arteries has skewed our understanding of the motives underlying territorial expansion. The six cities under review (barring Rottweil, whose acquisition of castles had nothing to do with commercial imperatives) displayed a greater concern with axial expansion than is usually allowed.

The notoriously strained relations between Nuremberg and its surrounding princes and knights have improperly been allowed to cloud our view of the relations between cities and nobles in general. Nuremberg was the one city in Germany which had no truck with outburgher-ship.[200] Yet the granting of citizen's rights to nobles and ecclesiastical institutions, and on occasion peasants, was widely practised by both Ulm and Rottweil,[201] though Rothenburg's paleburghers, as subjects of the city or of its patricians hailing from the *Landwehr*, appear to have taken up residence in the city (perhaps only temporarily) and earned their living as day-workers.[202] Outburghership (which was widespread in other German cities) requires us to revise the hackneyed assumption that cities and nobles were habitually at daggers drawn and, by extension, that the cities' territorial policy was designed to eliminate them as a threat by exploiting their supposed economic difficulties. We have already remarked that Ulm's territorial policy—the most ambitious and deliberate of the six cities—was built upon long-standing cordial relations with the counts of Helfenstein and Werdenberg-Sargans, even if their predicament (whether caused subjectively by partitions or extravagance or objectively by an alleged late medieval agrarian crisis) allowed Ulm to capitalize upon those close ties.

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[199] Scott, 'Town and country in Germany', pp. 209–10, 213, 217; expanded version, pp. 226, 235–6, 243, 246.

[200] Leiser, 'Landgebiet', p. 246. Any new burghers, nobles or paleburghers, had to move to the city within a given time-limit.

[201] Hohenstatt, *Entwicklung*, pp. 71, 79–81, 86–7; Merkle, *Entwicklung*, pp. 77–8, 105, 108.

[202] Woltering, 'Rothenburg', part 1, p. 34.

If, as almost universally asserted, the nobility was driven by indebtedness to alienate its patrimony,[203] then the chronological link to the half-century after the Black Death—when only Ulm and Rothenburg had embarked upon a clear policy of territorial expansion—is weak. Erfurt exploited the disastrous rule of the landgraves of Thuringia at the close of the thirteenth century; Ulm the misfortunes of the Helfenstein already manifest at the start of the fourteenth; while Rottweil's acquisitions from the hapless counts of Zimmern lay in the sixteenth century. A point invariably overlooked is why, if the revenues from agriculture had deteriorated so palpably in the wake of the Black Death that the landed nobility was on its uppers, so many bourgeois should have regarded investment in rural property not only as a low risk but even as affording the prospect of enhanceable returns. Or is it to be supposed that the nobility suffered from some genetic deformity which foreordained it to fecklessness and extravagance, blinding it to the opportunities which its bourgeois rivals so clearly espied?

9

The discussion of German cities' territorial policies has been bedevilled by terminological imprecision. Some historians have argued that to speak of a territorial policy at all is misleading: instead, they would prefer the term *Landgebietspolitik*, that is, the acquisition of rural estates, since a deliberate strategy of territorial aggrandizement with anti-feudal overtones was rarely the hallmark of the ruling elites of German cities.[204] We may concur, except to recall that in the long run (or, in the case of Erfurt and Rottweil, the short run) jurisdictional rights were regarded as more important than landlordship as the basis of eventual territorial sovereignty. Yet both terms are too restrictive. Rolf Kießling has proposed the much broader concept of an informal hinterland policy (*Umlandpolitik*), whereby the influence or domination of a city over its environs could be asserted without recourse to territorial

[203] See, for example, Krieger, 'Bürgerlicher Landbesitz', p. 95; Gerd Wunder, 'Reichsstädte als Landesherren', p. 80.

[204] Scott, 'Town and country in Germany', p. 204; expanded version, p. 227 (with bibliography).

acquisitions.[205] The extraordinary economic sway exerted by Augsburg and Cologne over their hinterlands was achieved without owning any territory at all.[206]

It is striking that most of the major studies of the territorial policies of the German cities reviewed here are now badly showing their age—Dannenbauer on Nuremberg,[207] Oergel on Erfurt, Hohenstatt on Ulm, Woltering on Rothenburg,[208] Merkle on Rottweil, the laudable exception being Iländer on Schwäbisch Hall, which appeared in 2001.[209] These works (apart from Iländer) address questions which obsessed historians at the turn of the nineteenth century—the precise judicial status of the cities' territorial acquisitions,[210] or the struggle of proud free cities to rid themselves of the plague of robber barons. That agenda has now largely been set aside. In its place there is a greater awareness not only that magistracies often entertained close political and familial ties to the landed nobility with whom they were supposedly at loggerheads,[211] but also that the cities ruled their hinterlands in a manner no less 'feudal' than the princes their territories. These city-states, in the judgement of some modern historians, do not deserve

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[205] Rolf Kießling, 'Das Umlandgefüge ostschwäbischer Städte vom 14. bis zur Mitte des 16. Jahrhunderts', in Schulze, *Städtisches Um- und Hinterland*, pp. 33–60. See also fundamentally Rolf Kießling, *Die Stadt und ihr Land. Umlandpolitik, Bürgerbesitz und Wirtschaftsgefüge in Ostschwaben vom 14. bis ins 16. Jahrhundert* (Städteforschung. Veröffentlichungen des Instituts für vergleichende Städtegeschichte in Münster, A 29) (Cologne/Vienna, 1989).

[206] Augsburg did in fact possess a very small territory to the north of the city, the Lower Bailiwick. Rolf Kießling, 'Herrschaft—Markt—Landbesitz. Aspekte der Zentralität und der Stadt-Land-Beziehungen spätmittelalterlicher Städte an ostschwäbischen Beispielen', in Meynen, *Zentralität*, p. 187.

[207] Wüllner, *Landgebiet*, scarcely represents an advance on the turgid, but at least conscientious, Dannenbauer, *Entstehung*.

[208] Although the work did not appear until 1965/66 and 1971/72, his approach harks back to an earlier era.

[209] Schwäbisch Hall was intended to be the subject of a dissertation by Hans Lesener under Rudolf Gmür, alongside Woltering on Rothenburg and Wüllner on Nuremberg, but although listed in Woltering's bibliography, part 1, p. 178 as 'Die Herrschaft Hall über sein Landgebiet' (Diss jur. Münster 'in preparation'), it was seemingly never completed. Cf. Gerd Wunder, 'Reichsstädte als Landesherren', p. 79.

[210] See, for instance, the debate, conducted in splendidly sub-acid tones, between Dannenbauer and his principal critic, Reinhold Schaffer, in *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg*, 29 (1928), pp. 420–4, and 30 (1931), pp. 353–73.

[211] See the symposium in *Zeitschrift für die Geschichte des Oberrheins*, 141 (1993), esp. the contributions by Michael Diefenbacher, 'Stadt und Adel—Das Beispiel Nürnberg', pp. 51–69, and Thomas Zotz, 'Adel in der Stadt des deutschen Spätmittelalters: Erscheinungsformen und Verhaltensweisen', pp. 22–50.

to be called city-states at all in the sense of city republics (*Stadtstaaten*) but merely 'urban states' (*städtische Staaten*) which governed as petty princes. There existed no general citizenship, for the rural population was subject (indeed, often servile), while the cities' claim to territorial sovereignty—the *jus territori et superioritas*—was not recognized until the Peace of Westphalia in 1648.[212] Least of all were the German city-states areal states in the sense of being bounded by clearly marked frontiers (though the recourse to *Landhegen* of various descriptions qualifies this verdict);[213] they remained, in the words of Wolfgang Leiser, at the level of a personal association (*Personalverband*), a verdict which seems unduly bounden to the model of the Greek city-states of antiquity.[214]

Whatever view is taken of the character of the six largest German city-states, any comparison of their growth suggests that the acquisition of territory was as much a response to unforeseen opportunities as it was the outflow of a calculated or planned strategy, though the cities' rulers often had a shrewd inkling of what was likely to come on the market, not least on account of their carefully cultivated links to the local aristocracy. But there is no consensus on whether the cities acted as benign or harsh overlords. Those who have posited an exploitative regime can point both to the economic subjection of the territory, trammelled by prohibitions on rural crafts and shackled by monopsony to deliver to the civic market, and to the growing signs of 'oligarchy'. Evidence which would support such arguments certainly can be found, but economic exploitation hardly involved anything resembling a proto-capitalist organization of the countryside (Ulm is the chief witness here, but even Nuremberg's *Neue Landschaft*, with its mineral resources, was not the target of direct 'state' intervention). A rigid administrative regime may in some cases be discerned (as in Ulm, though its serfdom took several forms), but the example of Rottweil, cited *ad nauseam* in the literature, belongs to the changed world of the seventeenth and eighteenth centuries. Perhaps, therefore, we are confronted with another

[212] Leiser, 'Territorien süddeutscher Reichsstädte', pp. 974–5; Isenmann, *Deutsche Stadt*, p. 238.

[213] *Landhegen* were far more common than the oft-quoted examples of Rothenburg and Schwäbisch Hall suggest. Several Hanseatic cities had *Landhegen*, including Stralsund, as did Mühlhausen in Thuringia and Aachen. Ulm had a short ditch (*Landgraben*) in the Fils valley, marking its boundary with Württemberg. Schneider, 'Grenzlinien', p. 116 n. 24.

[214] Leiser, 'Territorien süddeutscher Reichsstädte', p. 972. Cf. Isenmann, *Deutsche Stadt*, p. 238.

question mal posée: the more indulgent verdicts may apply chiefly to the earlier centuries,[215] the sterner may hold good for the later.[216]

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To reach a true understanding of the German city-states requires us, in conclusion, to set them in the context of their neighbours in Flanders and in Switzerland, for that may alert us to problems and peculiarities which have hitherto lain hidden. Historians have too often shunned such comparisons, the one notable exception being Elisabeth Raiser's study of the territorial policies of Zürich and Lübeck, in which she advances a threefold typology of city-states north of the Alps.[217] Only a selection of topics, however, will be considered: what follows should be seen as an agenda for future research.

At the outset it is essential to stress that the origins and development of the Swiss city-states are if anything more controversial in Swiss historiography than the German city-states among German historians.[218] Up to 1400, Hans Conrad Peyer has insisted, the construction of civic

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[215] The chief proponents are Schnelbögl, 'Wirtschaftliche Bedeutung'; Gerd Wunder, 'Reichsstädte als Landesherren'; and Rudolf Gmür, 'Städte als Landesherren vom 16. bis zum 18. Jahrhundert', in Karl Kroeschell (ed.), *Festschrift für Hans Thieme zu seinem 80. Geburtstag* (Sigmaringen, 1986), pp. 185–6, 197.

[216] The chief proponents are Weber, *Städtische Herrschaft*; Leiser, 'Territorien süddeutscher Reichsstädte'; and Peter Blickle, *Landschaften im Alten Reich. Die staatliche Funktion des gemeinen Mannes in Oberdeutschland* (Munich, 1973), pp. 117–23. Weber, *Städtische Herrschaft*, p. 38 n. 146 is not well advised to invoke Johann Jacob Moser, *Von der Reichs-Stättischen Regiments-Verfassung* (*Neues teutsches Staatsrecht*, vol. 18) (Frankfurt am Main/Leipzig, 1772; repr. Osnabrück, 1967) in support of his case against Rottweil, for apart from noting, p. 126, that the cities' rural subjects enjoyed far fewer rights than the oppidans, Moser's interest lies in the deployment by subjects of the imperial courts to seek judicial redress of their grievances, the very process of 'juridification' which Winfried Schulze has argued is the hallmark from the sixteenth century onwards of the change from open revolt to legal process. Winfried Schulze, 'Die veränderte Bedeutung sozialer Konflikte im 16. und 17. Jahrhundert', in Hans-Ulrich Wehler (ed.), *Der Deutsche Bauernkrieg 1524–1526* (*Geschichte und Gesellschaft*, supplement 1) (Göttingen, 1975), pp. 277–302.

[217] Elisabeth Raiser, *Städtische Territorialpolitik im Mittelalter. Eine vergleichende Untersuchung ihrer verschiedenen Formen am Beispiel Lübecks und Zürichs* (Historische Studien, 406) (Lübeck/Hamburg, 1969). A brief critique is offered by Scott, 'Town and country in Germany', pp. 214–16; expanded version, pp. 242–5.

[218] See Martina Stercken, 'Reichsstadt, eidgenössischer Ort, städtische Territorialherrschaft. Zu den Anfängen der Stadtstaaten im Gebiet der heutigen Schweiz', in Hansen, *Thirty City-State Cultures*, p. 328. Isenmann, *Deutsche Stadt*, pp. 237–8 offers a consensus of German research.

territories in Germany and Switzerland ran along parallel lines; only in the fifteenth century did the consolidation of the Swiss city-state system reach its apogee, at a time when in southern Germany the process of territory-building began to slow down.[219] As a broad statement that is doubtless true, and it is confirmed, rather than contradicted, by the fact that several of the German cities under review here only attempted a fully-fledged territorial expansion after 1500. The Swiss cities used an array of means to subordinate their hinterlands—inheritance, purchase, conquest—resting their authority on jurisdictional rights (*Gerichtsherrschaften*); again, it was not until the fifteenth century that these were transformed into public-law sovereignty, when it becomes proper to speak of the cities ruling territorial states.[220] That process, as we have seen, took much longer in Germany.

Swiss historians are nevertheless agreed that there was no inevitability in the growth of the Swiss city-states: economic penetration of the countryside by powerful commercial metropolises did not lead automatically to territorialization (compare Augsburg and Cologne!).[221] And one reason—though this remains in dispute—is that the original drive behind Swiss city-state-building was seigneurial, rather than economic or commercial, as the cities drew nobles, small towns, and even peasants into dependence by offering protective agreements (*Burgrechte*).[222] By 1400 the thrust of policy was shifting; the need to protect trade-routes—the Swiss cities experienced an economic upturn in the century after 1350[223]—but above all the drafting of the rural population into military service as a weapon of further territorial expansion came to the fore.[224] As Peyer has put it, 'the securing of more military personnel was and remained from around 1400, if indeed not earlier, the

[219] Hans Conrad Peyer, 'Schweizer Städte des Spätmittelalters im Vergleich mit den Städten der Nachbarländer', in idem, *Könige, Stadt und Kapital. Aufsätze zur Wirtschafts- und Sozialgeschichte des Mittelalters*, ed. Ludwig Schmugge, Roger Sablonier, and Konrad Wanner (Zürich, 1982), pp. 264, 268.

[220] Adolf Gasser, *Die territoriale Entwicklung der Schweizerischen Eidgenossenschaft 1291–1797* (Aarau, 1932), p. 13.

[221] Peyer, 'Schweizer Städte', p. 263; Hans-Jörg Gilomen, 'Stadt-Land-Beziehungen in der Schweiz des Spätmittelalters', in Ulrich Pfister (ed.), *Stadt und Land in der Schweizer Geschichte. Abhängigkeiten—Spannungen—Komplementaritäten* (Itinera, 19) (Basel, 1998), p. 26.

[222] Stercken, 'Reichsstadt, eidgenössischer Ort, städtische Territorialherrschaft', p. 327; Gilomen, 'Stadt-Land-Beziehungen', p. 34.

[223] Stercken, 'Reichsstadt, eidgenössischer Ort, städtische Territorialherrschaft', p. 328.

[224] Gilomen, 'Stadt-Land-Beziehungen', pp. 35–6.

actual *raison d'être* of the Swiss city territories'.[225] These military ends, so characteristic of the history of the Swiss Confederation, find no parallel in the German city-states, though it is worth pointing out that the Flemish cities relied heavily on urban militias to impose the rule of the great guilds across the country.[226]

The mobilization of the human resources of their territories, coupled with administrative rationalization (including the appointment of leading citizens to lucrative rural offices) provoked widespread unrest in the Swiss city-states. During the fifteenth century and into the sixteenth a string of revolts seized Fribourg, Bern, Zürich, St Gallen, and Solothurn; indeed, the Confederation was the area of the Empire most susceptible to peasant rebellion, even before the confessional divisions of the 1520s onwards added a new dimension of discontent.[227] The bleatings of Ulm's dependants that 'they would rather be under Helfenstein' or of Rottweil's who 'would rather die under the Turks' by comparison pale into insignificance.

The incidence of peasant revolt in late medieval Switzerland throws into sharp relief the hegemonic character of the cities' protective treaties. None of the larger German cities offered their aristocratic neighbours, ecclesiastical or secular, *Burgrechte* on the scale of the Swiss cities; is that to be seen as a sign of a less aggressive expansionist policy? The term *Burgrecht* was in fact never used: aristocrats in possession of burgher's rights were known as outburghers (*Ausbürger*), commoners as paleburghers (*Pfahlbürger*). Yet such wide variations in outburghership, noble or commoner, can be observed in the German-speaking lands that modern scholarship has not yet reached agreement on its function and purpose. In Flanders, in some castellanies a sizeable majority of the rural population—over two-thirds—became outburghers of cities, and not merely of the leading communes of Ghent and Bruges[228] but of many lesser towns as well. All told, the Flemish towns may have had 100,000 *buitenpoorters*

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[225] Peyer, 'Schweizer Städte', p. 269.

[226] Wim P. Blockmans, 'The impact of cities on state formation: three contrasting territories in the Low Countries, 1300–1500', in Blickle, *Resistance, Representation, and Community*, p. 263.

[227] Peyer, 'Schweizer Städte', p. 269; Gilomen, 'Stadt-Land-Beziehungen', pp. 19, 36, 44; Stercken, 'Reichsstadt, eidgenössischer Ort, städtische Territorialherrschaft', pp. 328, 330. Cf. Tom Scott, 'Liberty and community in medieval Switzerland', *German History*, 13 (1995), pp. 112–13.

[228] The third of the *drie steden*, Ypres, had outburghers to 1366, but accepted none thereafter. David Nicholas, *Town and Countryside: Social, Economic, and Political Tensions in Fourteenth-Century Flanders* (Rijksuniversiteit te Gent: Werken uitgegeven door de Faculteit van de Letteren en Wijsbegeerte, 152) (Bruges, 1971), p. 244.

(literally, 'outburghers'), around a quarter of the Flemish rural population.[229] One reason for this astonishing total is that the smaller towns acquired *buitenpoorters* as a counterweight to the dominance of the *drie steden*, often with the tacit encouragement of the counts of Flanders themselves.[230] Sometimes these *buitenpoorters* took out multiple rights of citizenship; that may have served their primary commercial interest in outburghership, namely the guarantee of access to urban markets, but politically it worked to thwart, rather than abet, any territorial consolidation in the form of city-states. Nevertheless, as the southern part of Ghent's quarter in the fifteenth century shows, the holding of outburghers was no sure guide to economic vitality either: both Aalst (Alost) and Geraardsbergen (Grammont) had many outburghers, but while the former was thriving the latter was deploying outburghership with modest success to shore up its declining fortunes.[231]

The extension of citizen's rights to nobles, convents, or commoners in the countryside in Germany never attained the scale seen in Flanders, but it was deployed far more widely than traditional accounts suggest. In some cases—Cologne being the most obvious example—treaties of outburghership with the surrounding Rhenish nobility may be regarded as the specific substitute for the failure to construct a rural territory.[232] What is striking, however, is the frequent abandonment of an outburgher policy in the early fifteenth century. Augsburg divested itself of its peasant paleburghers in favour of alliances with noble outburghers, as did Nördlingen, though Strasbourg restricted these too. Frankfurt am

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[229] Marc Boone and Peter Stabel, 'New burghers in the late medieval towns of Flanders and Brabant: Conditions of entry, rules and reality', in Rainer Christoph Schwinges (ed.), *Neubürger im späten Mittelalter. Migration und Austausch in der Städtelandschaft des alten Reiches (1250–1550)* (*Zeitschrift für historische Forschung*, supplement 30) (Berlin, 2002), p. 328 n. 38.

[230] Peter Stabel, *Dwarfs among Giants. The Flemish Urban Network in the Late Middle Ages* (Studies in Urban Social, Economic and Political History of the Medieval and Modern Low Countries, 8) (Leuven/Apeldoorn, 1997), p. 95; Marc Boone, 'Droit de bourgeoisie et particularisme urbain dans la Flandre bourguignonne et habsbourgeoise (1384–1585)', *Revue belge de Philologie et d'Histoire*, 74 (1996), p. 715; cf. Guy P. Marchal, 'Pfahlbürger, bourgeois forains, buitenpoorters, bourgeois du roi: Aspekte einer zweideutigen Rechtsstellung', in Schwinges, *Neubürger*, pp. 333–67.

[231] Stabel, *Dwarfs among Giants*, pp. 96–7, 99, 103.

[232] See Hans J. Domsta, *Die Kölner Außenbürger. Untersuchungen zur Politik und Verfassung der Stadt Köln von der Mitte des 13. bis zur Mitte des 16. Jahrhunderts* (Rheinisches Archiv, 84) (Bonn, 1973). The role of outburghers as compensation for a stunted territorial expansion is also visible in Konstanz. Bernhard Kirchgässner, *Das Steuerwesen der Reichsstadt Konstanz 1418–1460. Aus der Wirtschafts- und Sozialgeschichte einer oberdeutschen Handelsstadt am Ausgang des Mittelalters* (Konstanzer Geschichts- und Rechtsquellen, 10) (Konstanz, 1960), p. 161.

Main disposed of both categories in favour of military service agreements with the local nobility (in an echo of Swiss *Burgrecht*).[233]

Rolf Kießling has argued that the recruitment of peasant paleburghers served essentially economic ends: it provided a formal judicial framework for the cities' economic penetration of the countryside.[234] This, indeed, seems to have been the case in several Swabian cities, for in Kempten and Isny they were for the most part outworkers employed in the urban linen industry,[235] though this does not explain the survival of paleburghers in Memmingen and Lauingen.[236] But in the end paleburghership appears to have caused too much bother: it entailed obligations which the cities were not always keen to honour.[237] Treaties of outburghership with the nobility, by contrast, afforded the cities military and diplomatic protection, including rights of access to strongholds, though in the case of Ulm the city ultimately distanced itself from its earlier close links to the surrounding noble dynasties.[238] Kießling concludes that outburghership, in its various forms, represents a pre-territorial instrument of policy, but was none the less an important stepping-stone on the path to territory-building.[239]

The varied purposes which paleburghership fulfilled, as well as its decline after 1400, have prompted Guy Marchal, on the other hand, to utter a damning verdict: 'It must finally be affirmed with all clarity that paleburghership was a complete irrelevance to the territorial or hinterland policy of cities.'[240] As the author of a magisterial study of Luzern's territorial policy—with its massive recruitment of peasant outburghers—Marchal's views cannot readily be dismissed, even if they are at odds

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[233] Rolf Kießling, 'Umlandpolitik im Spiegel städtischer Einbürgerungen während des späten Mittelalters', in Schwinges, *Neubürger*, pp. 303–8; Charles Wittmer, 'Das Straßburger Bürgerrecht', *Alemannisches Jahrbuch*, 1961, p. 244; Elsbet Orth, 'Stadtherrschaft und auswärtiger Bürgerbesitz. Die territorialpolitischen Konzeptionen der Reichsstadt Frankfurt im späten Mittelalter', in Schulze, *Städtisches Um- und Hinterland*, pp. 149–50; Bernd Schneidmüller, 'Städtische Territorialpolitik und spätmittelalterliche Feudalgesellschaft am Beispiel von Frankfurt am Main', *Blätter für deutsche Landesgeschichte*, 118 (1982), p. 131.

[234] Kießling, 'Umlandpolitik', p. 303.

[235] Tom Scott, 'Economic landscapes', in Bob Scribner (ed.), *Germany: A New Social and Economic History*, 1: *1450–1630* (London/New York/Sydney/Auckland, 1996), p. 15; Scott, *Freiburger Enquete*, p. 13.

[236] Cf. Kießling, *Die Stadt und ihr Land*, 300, 553; idem, 'Herrschaft—Markt—Landbesitz', p. 192.

[237] Kießling, 'Umlandpolitik', pp. 305–7.

[238] See above, note 73.

[239] Kießling, 'Umlandpolitik', p. 312.

[240] Marchal, 'Pfahlbürger', p. 341.

with Kießling and indeed myself.[241] In the case of Luzern, Marchal points out that a large number of the peasants who took out Luzern citizenship in the months before and after the battle of Sempach in 1386 quickly abandoned their newly-won status. Luzern had not accepted them as part of any long-term planned territorial policy, for many resided at a considerable distance, and the city had little legal leverage over them.[242] Marchal contrasts the paleburgher policy of Luzern unfavourably with the *Burgrechte* of Zürich and Bern, whose treaties of protection with the local nobility assured them access to strongholds, the raising of militias, and rights of pre-emption in the alienation of estates and lordships. Zürich, indeed, only accepted commoners as outburghers if their lords had already entered into *Burgrecht* agreements with it.[243] Such *Burgrechte* were rare in Luzern, whose paleburgher policy Marchal regards as the immediate outflow of the political crisis which engulfed the inner cantons in their conflict with the Habsburgs.[244]

This debate has yet to be resolved, but if we recall Wolfgang Leiser's view that the German city-states were not areal territories but personal associations, then the role of outburghership in all its forms, even if only as a compensation for territory-building, may be accorded its due weight. Switzerland followed a different path. In Marchal's chosen example, 'as soon as Luzern acquired lordship over a rural territory, its interest in paleburghers was extinguished',[245] and it fell into line with the tactics of Bern and Zürich. Left hanging in this debate is the question which exercised Montesquieu: whether the character of the state was determined by its size. For Montesquieu, '[i]l est de la nature d'une république qu'elle n'ait qu'un petit territoire… Un état monarchique doît être d'une grandeur médiocre, s'il était petit, il se formerait en république.'[246] That fits like a glove the Swiss city-states as republics with a republican (*scilicet* oligarchical) ideology; but where does it leave

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[241] See Tom Scott, *Freiburg and the Breisgau. Town-Country Relations in the Age of Reformation and Peasants' War* (Oxford, 1986), pp. 78–98, 155.

[242] Guy P. Marchal, *Sempach 1386. Von den Anfängen des Territorialstaates Luzern. Beiträge zur Frühgeschichte des Kantons Luzern* (Basel, 1986), p. 150.

[243] Marchal, *Sempach*, pp. 177–82.

[244] Marchal, *Sempach*, p. 185.

[245] Marchal, *Sempach*, p. 185.

[246] Charles de Secondat, baron de la Brède et de Montesquieu, *De l'Esprit des Lois*, livre VIII, chapitres XIV, XVII, quoted in Werner Kaegi, 'Der Kleinstaat im europäischen Denken' in idem, *Historische Meditationen*, 1st series (Zürich, 1942), p. 260 n. 4.

the German city-states, especially the largest and most powerful ones with which we have here been concerned, whose constitution was never republican and whose statehood remained contested?

Appendix on Maps

The difficulties in plotting medieval territories cartographically are well known. Before the rise of the sovereign principality with universal jurisdiction and uniform dependence within clearly defined and recognized boundaries, corresponding to the modern understanding of statehood, lordships often took the form of personal associations, comprising a variety of rights and jurisdictions, as well as the ownership of land. Such pre-modern polities resist attempts at unambiguous areal description. What is depicted on a map suggests a coherence and unity of authority which are belied in practice. At what point jurisdictional overlordship evolved into territorial exclusivity, thus permitting clear cartographical delineation, is usually hard to determine. All territories, moreover, were subject to alteration—expansion or contraction—so that any mapping offers at best a snapshot, which must not be taken to indicate a fixed state of affairs.

Map 1. Selected Imperial Cities of Swabia and Franconia and their Territories to *circa* 1600. Based principally upon Kommission für geschichtliche Landeskunde in Baden-Württemberg (ed.), *Historischer Atlas von Baden-Württemberg* (Stuttgart, 1972 ff.), map VI, 7, 'Territoriale Entwicklung der Freien Städte und Reichsstädte bis 1803', compiled by Elmar Blessing (1978), and, for Nuremberg, map V, 4, 'Besitz der Staufer (bis 1250)', compiled by Franz Xaver Vollmer (1976), together with Nuremberg materials (see next entry). The territories have been somewhat simplified compared with the larger-scale maps of the individual city-states, where certain revisions and corrections of the *Historischer Atlas von Baden-Württemberg* have been incorporated. Map 1 is intended as a survey map to convey the spatial relations of city-states in Swabia and Franconia, not as a detailed guide to the city-states discussed in the text.

Map 2. Territory of Nuremberg in the Sixteenth Century. Based on 'Das Landgebiet der Reichsstadt Nürnberg vom 16. bis 18.

Jahrhundert (Hochgerichtskarte)' in *Das Territorium der Reichsstadt Nürnberg.* Katalog-CD der Ausstellung zum 500. Jahrestag seiner Erwerbung, ed. Hans Recknagel and Gerhard Rechter for the Staatsarchiv Nürnberg (Nuremberg, 2004).

Map 3. Territory of Ulm in the Sixteenth Century. Based on 'Karte zur Entwicklung des Territoriums der Reichsstadt Ulm im XIII. und XIV. Jahrhundert nebst einigen Ergänzungen aus dem XV. Jahrhundert', in Otto Hohenstatt, *Die Entwicklung des Territoriums der Reichsstadt Ulm im XIII. und XIV. Jahrhundert* (Stuttgart, 1911), completed and corrected by map VI, 7 in *Historischer Atlas von Baden-Württemberg*, with reference also to Wolfgang Bachmayer, *Territorii Ulmensis… descriptio* (1653), Johann Christoph Lauterbach and Johann Baptist Homann, *Nova et accurate Territorii Vlmensis…Descriptio* (1720), and comments by Dr Gebhard Weig of the Stadtarchiv Ulm.

Map 4. Territory of Erfurt in the Early Sixteenth Century. Based on map 'Erfurter Landgebiet um 1500' in Ulman Weiß, 'Gemeinde und Kirche in der Erfurter "landschafft"', in Beat Kümin (ed.), *Landgemeinde und Kirche im Zeitalter der Konfessionen* (Zürich, 2004), p. 60; with some adjustments in the light of Wieland Held, *Zwischen Marktplatz und Anger. Stadt-Land-Beziehungen im 16. Jahrhundert in Thüringen* (Weimar, 1988), map on inside front cover; together with corrections to his own map communicated to the author by Prof. Ulman Weiß of the University of Erfurt in a letter of 10 August 2005; with information on the area of woad production from map 'Der mittelrheinische Tuchproduktionsbezirk und das Gebiet der Waidverarbeitung und des Waidhandels in Thüringen im Spätmittelalter', compiled by Reimer Stobbe, in *Hessen und Thüringen. Von den Anfängen bis zur Reformation. Eine Ausstellung des Landes Hessen* (Marburg, 1992), p. 232.

Map 5. Territory of Rothenburg ob der Tauber in the Sixteenth Century. Based on Karte I 'Herrschaftsverhältnisse u. städtische Verwaltungsbezirke' and Karte III 'Das Wehrwesen' in Herbert Woltering, 'Die Reichsstadt Rothenburg ob der Tauber und ihre Herrschaft über die Landwehr', part 1, *Jahrbuch des Vereins Alt-Rothenburg*, 1965/66; with alterations in the light of map VI, 7 in *Historischer Atlas von Baden-Württemberg*; and comments by Prof. Karl Borchardt of the Stadtarchiv Rothenburg ob der Tauber in a letter of 18 October 2005.

Map 6. Territory of Schwäbisch Hall *circa* 1600. Based on Karte 'Die Herrschaftsgebiete des Landkreises Schwäbisch Hall vor 1800', compiled by Walter Kluge for Statistisches Landesamt Baden-Württemberg, reproduced in compressed form and with corrections in Beate Iländer, *Verfassung und Verwaltung der Reichsstadt Schwäbisch Hall vom Ende des Dreißigjährigen Krieges bis zum Ende der Reichsstadtzeit (1648–1806)* (Schwäbisch Hall, 2001); with further alterations in the light of map VI, 7 in *Historischer Atlas von Baden-Württemberg*; with reference to Beilage 1 in Hans Mattern and Reinhard Wolf, *Die Haller Landheg. Ihr Verlauf und ihre Reste* (Sigmaringen, 1990); and comments by Dr Andreas Maisch of the Stadtarchiv Schwäbisch Hall in a letter of 20 September 2005.

Map 7. Territory of Rottweil *circa* 1600. Based on Karte I 'Das Territorium Rottweils um 1420' and Karte II 'Das städtische Territorium um 1600' in Josef Adolf Merkle, *Die Entwicklung des Territoriums der Stadt Rottweil bis 1600* (Stuttgart, 1913); with corrections in the light of map VI, 7 in *Historischer Atlas von Baden-Württemberg*; details of administrative districts from map 'Die Reichsstadt Rottweil und ihre Landschaft um 1600 (vereinfacht)' in Winfried Hecht, *Rottweil 1529–1643. Von der konfessionellen Spaltung zur Katastrophe im 30jährigen Krieg* (Rottweil, 2002), p. 87; and comments by Dr Winfried Hecht of the Stadtarchiv Rottweil in a letter of 16 August 2005.

THE TOPOGRAPHY OF SACRED SPACE AND THE REPRESENTATION OF SOCIAL GROUPS: CONFRATERNITIES IN STRASBOURG

Sabine von Heusinger

In the late Middle Ages, confraternities played a mediating role between church and city. Besides '*memoria*'—one of their main functions was participating in processions, which publicly demonstrated their members' piety. Periodically organized processions occurred in public space, and the placing of the confraternities within the procession demonstrated the social ranking of the respective groups. At the same time, the procession's path subdivided the city into an inside and an outside, both spatially and socially. Processions did not incorporate all urban districts, and certain social groups, such as the Jews, were excluded from participating. Prior to the Reformation, the confraternities were also contested sites for the increasing tensions among civic regimes, guild masters, and journeymen, and inevitably, as the guilds increasingly shaped the civic authorities, the confraternities submitted to increasing control.

This paper will investigate confraternities of craftsmen and explore issues concerning urban social ranking, public solutions of conflicts, violations of honor and disciplinary actions, as well as the late medieval city's sacral topography.[1] We assume that the term, 'confraternity',

[1] I would like to thank Peter Wallace for thoughtful comments on my paper and for correcting my English. Terms vary within medieval sources from "*confraternitas*" to "*societas*" and from "*buechse*" to "*kerze*"; the resulting terminological problems have been discussed by Franz Irsigler, "Zur Problematik der Gilde- und Zunftterminologie", in: Berent Schwineköper (ed.), *Gilden und Zünfte* (VuF 29), (Sigmaringen, 1985), 53–70; Ludwig Remling, *Bruderschaften in Franken. Kirchen- und sozialgeschichtliche Untersuchungen zum spätmittelalterlichen und frühneuzeitlichen Bruderschaftswesen* (Würzburg, 1986), 45–53; Klaus Militzer, *Quellen zur Geschichte der Kölner Laienbruderschaften vom 12. Jahrhundert bis 1562/63*, 4 vols. (Düsseldorf, 1997–2000), I: xii–xvi. See also Antony Black, *Guilds and Civil Society in European Political Thought from the Twelfth Century to the Present* (London, 1984), 12–23, 66–75; Gilles Gerard Meersseeman, in collaboration with Gian Piero Pacini, *Ordo fraternitatis. Confraternite e pità dei laici nel medioevo*, 3 vols. (Italia sacra 24–26) (Rome, 1977), I: 3–10; Jan Gerchow, "Bruderschaften im spätmittelalterlichen Freiburg i.Br.," *Freiburger Dioezesan-Archiv* 113 (1993), 5–74, here at 6–7; Jürgen Sydow, "Fragen zu Gilde, Bruderschaft und Zunft im Lichte von Kirchenrecht und Kanonistik," in Schwineköper, *Gilden und Zünfte*, 113–126.

denotes a voluntary union that has an intended duration and consists of a group of individuals who agree to submit to self-defined statutes. Confraternities formed primarily to engage collectively in religious devotions such as church services, and their members sought to dignify the funerals, obsequies, and memorial services of their "brothers." They were quite independent of church control. Laymen's confraternities also undertook social and charitable duties and responsibilities, such as financial support of their members in case of illness. They can be distinguished from other associations that pursued purely secular or monastic purposes. In this essay I will focus on confraternities of cratfsmen at Strasbourg. During the last third of the 14th century, many lay confraternities were founded all over the Holy Roman Empire. Historians believe these foundations reflected the wake of the Black Death or a general increase in popular piety.[2]

There are limited sources on the confraternities of medieval Strasbourg. Most derive from the 15th century, and they will form the basis for the following analysis. Strasbourg's lacunae are not unique, for the same holds true for the whole upper Rhine region, as well as for Cologne, where three-fourths of all documented lay confraternities were founded after 1400.[3] Here Klaus Militzer has assumed that only a fragment of the sources, in particular for smaller confraternities, have survived. We would argue that the same situation can be assumed for Strasbourg. Katharina Simon-Muscheid's insights regarding Basel are also relevant for Strasbourg. She observed that not all guilds had corresponding confraternities.[4] Despite the limited sources on confraternities, the example of Strasbourg allows for some signigficant observations.

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[2] Militzer, *Quellen*, I: cxii–cxv; Arnold Angenendt, *Geschichte der Religiosität im Mittelalter* (Darmstadt, 1997), 71–79.

[3] Cf. Militzer, *Quellen*, I: xii–xiii; Hermann Hoberg, "Das Bruderschaftswesen am Oberrhein im Spätmittelalter," *Historisches Jahrbuch* 72 (1952), 238–252, here at 238; Knut Schulz, *Handwerksgesellen und Lohnarbeiter. Untersuchungen zur oberrheinischen und oberdeutschen Stadtgeschichte des 14. bis 17. Jahrhunderts* (Sigmaringen, 1985), 164–171; cf. also Gerchow, "Bruderschaften," 54, who underlines that the confraternities at Freiburg did not start until the end of the 15th century. For Zurich see Gerald Dörner, *Kirche, Klerus und kirchliches Leben in Zürich von der Brunschen Revolution (1336) bis zur Reformation (1523)* (Würzburg, 1996), 249–255.

[4] Katharina Simon-Muscheid, "Zunft-Trinkstuben und Bruderschaften: 'Soziale Orte' und Beziehungsnetze im spätmittelalterlichen Basel," in Gerhard Fouquet, Matthias Steinbrink, and Gabriel Zeilinger, (eds.), *Geschlechtergesellschaften, Zunft-Trinkstuben und Bruderschaften in spätmittelalterlichen und frühneuzeitlichen Städten* (Ostfildern, 2001), 147–162; Rudolf Wackernagel, "Bruderschaften und Zünfte zu Basel im Mittelalter," *Baseler Jahrbuch* (1883), 220–250.

In the following essay I will describe the confraternities' varied structures, their members' responsibilities, their constitutions, and their main functions. Then I will focus on processions and introduce some new material on the role of confraternities in civic processions from Strasbourg's sources. Here the positions claimed by confraternity members within a procession mirrored their social rank in the community. Then I will show how processions served as civic events where integroup conflicts could be displayed and sometimes resolved in public. Under these circumstances, confraternities often turned into agents of social sanctions and disciplinary measures. Finally, I will focus on a new group identity for the members of contraternities of journeymen at the close of the Middle Ages.

The Organization and Structure of Confraternities

Confraternities limited membership to practitioners of a single craft. If only men belonged to the craft, then masters, journeymen, and apprentices were part of the confraternities. If, however, women also practiced the craft, they were allowed to join the confraternity. At Strasbourg, this was the case in the confraternity of barbers and bathhouse keepers. The articles of this confraternity from 1477 explicitly mention as members the '*ryberin*' i.e. the maidservant of the bath, the keeper ('*hüterin*') who watched over the fire, and the wife of the master ('*meisters frowe*').[5] Women also worked in the textile industry, and here too they are mentioned in the constitution of the journeymen linen weavers. In 1479, the constitution determined that during mass members were to offer prayers of intercession for all brothers and sisters living or dead.[6]

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[5] Jean-Charles Brucker, (ed.), *Strassburger Zunft- und Polizeiverordnungen des 14. und 15. Jahrhunderts* (Strassburg, 1889), 82–85, here at 83; date corrected according to Archives Municipales de Strasbourg (= AMS), MR 2, fol. 120 (= pp. 234–235). Presumably a more recent version in AMS III 12/11, No. 21; the text starts with the headline "vermutlich seinh [?] der Bader Bruderschafft articul" added by a 17th /18th-century hand. The handwriting of the text itself suggest the first half of the 15th century; this version is shorter and presumably more articles were added later on. Cf. Jean-Robert Zimmermann, *Les compagnons de métiers à Strasbourg du début du XIV^e siècle à la Réformation* (Strassburg, 1971), 65–97.

[6] Georg Schanz, (ed.), *Zur Geschichte der deutschen Gesellen-Verbände mit 55 bisher unveröffentlichten Documenten aus der Zeit des 14.–17. Jahrhunderts* (Leipzig, 1877), No. 72; and also by Gustav Schmoller, *Die Strassburger Tuche und Weberzunft* (Strassburg, 1879), 93–94.

The confraternities' constitutions outlined the groups' corporate structure as well as their role in the religious sphere, which will be presented below. The documents devote much ink to organizational matters, such as the schedules of various fees that were specified in detail. Everybody who joined the confraternity paid an entrance fee. There were also periodic fees, such as weekly or bi-weekly dues, as well as other fees due at annual feasts, and countless fines. Even though these fees and fines only amounted to a few cents ('*pfennig*'), collectively they added up to considerable sums.

From the outset the constitutions spelled out a variety of social measures for those who were in need. For example, following the birth of a legitimate (!) child, a bath-maid was exempted from paying the confraternity's regular fees for six months.[7] Furthermore, apprentices with low incomes were eligible for total exemption from fees. The constitutions also regulated the withdrawal from a confraternity. Instead of paying the fees back to the departing member, the barbers and bathhouse keepers transferred the monies to the hospital. In other cases the confraternity charged a fine for withdrawal and decreed that if the member sought reentry any fee assessed during the interim had to be paid first.

The administration of the confraternity's money was the duty of two to four so-called masters of the box ('*buechsenmeister*'), each of whom possessed a key to the cash box ('*buechse*').[8] They were appointed for three or six months and were only allowed to open the cash box under certain conditions. The members had to pay their fees to the masters of the box in person. For the furriers' confraternity a journeyman's fees were due weekly at his master's house, while the locksmiths paid bi-weekly at the confraternity's common tomb in St. Martin's churchyard.

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[7] Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 82–85; p. 440; for the following see Miri Rubin, "Fraternities and Lay Piety in the Later Middle Ages," in Peter Johanek (ed.), *Einungen und Bruderschaften in der spätmittelalterlichen Stadt* (Köln, 1993), 185–198, here at 191–196; cf. also AMS III 12/11, No. 4 and 5 (undated, end of 15th century); Schanz, *Zur Geschichte*, No. 74.

[8] Cf. e.g. Schanz, *Zur Geschichte*, No. 28; 71; 74; Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 82–85; 438–440; 442–443; for conditions at Offenburg see Ernst Batzer, "Die Satzungen der Bäcker- und Müllerknecht-Bruderschaft in Offenburg," Zeitschrift des Freiburger Geschichtsvereins 22 (1906/07), 96–102. The tanners distinguished between two different cash boxes, one for the Holy Virgin (*Liebfrauenbüchse*) and one for the journeymen (*Gesellen-Büchse*), cf. Schanz, *Zur Geschichte*, No. 71, ibid. p. 216. The articles for the tanners' confraternity have survived as well in AMS III 12/11 No. 23; the manuscript differs only in tiny variations from the text Schanz (No. 71) gives, the so called 'spätere Entwurf', for the variations see the footnotes.

In addition to these payments, different kinds of fines had to be paid, either in money or, as a payment in kind, in the form of wax. It was easy to become liable to such punishments: one had to pay a fine for paying late, for coming late to a meeting, for cursing, for playing cards or dice, for beating up other members or for drawing a knife. Even the master of the box had to pay a fine for failing to be in the fixed place at the appointed time to receive dues.

The dues and fines financed the important task of '*memoria*'.[9] The confraternity primarily served to secure a proper funeral for its brothers and sisters but also paid for commemorative memorial masses for its deceased members. When a fellow died, all members were obligated to attend the funeral and the requiem; absences were punished by fines. The confraternity of the shipmen paid for the entire funeral when a poor fellow died and offered additional remuneration for the requiem, the wax candles, and the mass offering.[10] In the confraternity of the furriers, the master of the box should take as much out as was necessary for the funeral.[11] If there was a surplus on the day when the masters of the box settled the accounts, it had to be invested in wax candles, liturgical vestments, and pallia, all of which served the confraternity's religious tasks. For a requiem service the four masters of the cash box for the shipmen's confraternity had to purchase a pall, wax candles, candlesticks 'and all other usual things'.[12] For poorer fellows, as noted above, the whole funeral should be paid from the confraternity's cash box. If a member died outside Strasbourg's city limits, a *sacrificium* and a mass should be said at the church of the Wilhelmites. The same was true for the tanners; a requiem should be said for the dead fellow, 'as if he had died here'.[13] If desired, a fellow could be buried in the

[9] Cf. Hanno Brand, Pierre Monnet, and Martial Staub, (eds.), *Memoria, Communitas, Civitas. Mémoire et conscience urbaines en occident à la fin du Moyen Age* (Supplement of Francia 55), (Ostfildern, 2003), especially the articles of Sonja Dünnebeil, "Öffentliche Selbstdarstellung sozialer Gruppen in der Stadt," 73–86; for the Netherlands cf. Paul Trio, "Les confréries comme expression de solidarité et de conscience urbaine aux Pays-Bas à la fin du Moyen Age,"131–141; also Gerhard Hoezle, *'Der guete Tod': vom Sterben und Tod in Bruderschaften der Diözese Augsburg und Altbaierns* (Augsburg, 1999), 38–41; and Angenendt, *Geschichte der Religiosität*, 663–664, for the meaning of "*ars moriendi*".

[10] Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 438–440.

[11] Schanz, *Zur Geschichte*, No. 28 (= AMS UK 2969, 1404 IX 27, Transfix 1428 V 28).

[12] Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 438–440.

[13] Schanz, *Zur Geschichte*, No. 71, ibid. p. 214: "*als obe er hie gestorben were*."

confraternity's common grave at the Augustinians churchyard. All members should be present at the funeral, and the requiem should take place on a holiday, so nobody could find an excuse for not participating.[14]

The confraternities affiliated themselves with existing church institutions, which became their spiritual centers. A confraternity might approach a religious order for access to its chapel or a parochial church where the members would maintain one or more candles. This was also the place where they celebrated mass, and often the members were buried there, as was noted above for the joint grave at St. Martin's for the journeymen locksmiths. At Strasbourg the furriers affiliated with the Dominicans, the tanners with the Augustinians, the linen weavers and barbers and bathhouse keepers with the city's Hospital Church, the locksmiths with a parish church, and the shipmen with the Wilhelmites.[15] The master and journeymen brickmakers formed a confraternity in the first half of the 15th century and affiliated themselves with the Carmelites.[16]

Besides their religious role, the confraternities also provided charitable and social benefits. For example, the constitution of each confraternity contained articles that regulated how in case of illness members were entitled to interest-free loans financed by the cash box. Generally, the members who needed the money had to provide a pledge and received a loan equivalent to the pledge or a predetermined sum. Some confraternities also offered minor financial support while fellows stayed in the hospital. The confraternity of journeymen bakers gave detailed instructions in case of hospitalization for its members.[17] After having arrived at the hospital, each individual should confess, receive the sacrament, and obey the confessor's penitential strictures. Every fellow received wine, bread, and one warm meal per day at the confraternity's expense. If they did not consume all of the food, they were required to give the leftovers to the hospital. The regulations prohibited giving it away to someone of their own choice and forbade selling the food. Three times per week a designated journeyman would check up on the

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[14] Schanz, *Zur Geschichte*, No. 71, ibid. pp. 214–215.

[15] Fore more examples see Francis Rapp, "Les confreries d'artisans dans le diocèse de Strasbourg à la fin du moyen âge," *Société academique du Bas-Rhin* 93–94 (1971–1972), 10–28.

[16] For the brickmakers cf. AMS III 15/12; see also Martin Alioth, *Gruppen an der Macht. Zünfte und Patriziat in Strassburg im 14. und 15. Jahrhundert. Untersuchungen zu Verfassung, Wirtschaftsgefüge und Sozialstruktur*, 2 vols. (Basel, 1988), ibid. p. 417.

[17] Schanz, *Zur Geschichte*, No. 79 (undated).

hospitalized brothers to ensure that they had behaved appropriately. If necessary, he should admonish them; and once they had convalesced, he arranged their release.

Processions in the Medieval City

Beyond commemorating the dead, confraternities participated as a group in processions. Civic processions played a crucial role in medieval piety, commemorating numerous religious feasts and sometimes taking place in response to political challenges.[18] If one pages through the one volume entitled *‚Mandate und Ordnungen / Mandats et Reglements'*[19] at the Strasbourg city archives, he or she can find wide ranging events that provoked processions. During war, the city's residents organized processions time and again to seek providential assistance for peace and civic unity in face of the threat, in particular during the Armagnac-raids in 1444 and during the Burgundian war of 1474–1477. One also finds numerous processions to ward off regional epidemics and in particular the Black Death. Other processions pleaded for bumper crops and sufficient rain, but the community would assemble to stop the rain when fear of flooding grew. The Strasbourgers also undertook processions in support the Emperor Maximilian, the Duke of Lorraine, the Council of Basel during its conflict with Pope Eugene IV, and in general for the conversion of the infidel.

Besides these processions that were undertaken on 'special occasions,' there were also periodic ones that occurred as part of the annual liturgical cycle. These could be exceptionally important, such as the procession

[18] Cf. Dieter J. Weiss, "Prozessionsforschung und Geschichtswissenschaft," *Jahrbuch für Volkskunde* 27 (2004), 63–79; Miri Rubin, *Corpus Christi. The Eucharist in Late Medieval Culture* (Cambridge, 1991), especially 243–271, who shows that the processions of Corpus Christi first appeared in the middle of 14th century on the initiative of bishops. See also Luzian Pfleger, "Die Stadt- und Ratsgottesdienste im Strassburger Münster," *Archiv für elsässische Kirchengeschichte* 12 (1937), 1–56; Gabriela Signori, "Ritual und Ereignis. Die Strassburger Bittgänge zur Zeit der Burgunderkriege (1474–1477)," *Historische Zeitschirft* 264 (1997), 281–328.

[19] The collecion of "*Mandate und Ordnungen*" of the city council was created during the 18th century, presumably by the archivist Johann Caspar Bernegger; it is in a vague chronological order; for this paper see vol. 2. Cf. also Weiss, "Prozessionsforschung", 68–69, who explains that a standardization of the processions happened only after the Tridentine reforms, i.e. "die Umgänge in den Kategorien Lob-, Bitt-, Preis-, Dank- und Bussprozession normiert (wurden)".

on the Feast of Corpus Christi and on Saint Luke's day. In 1356, on the feast of Saint Luke (October 18), an earthquake destroyed large parts of Basel.[20] In neighboring Strasbourg, this earthquake was barely noticeable. However, on 15 May 1357, Strasbourg suffered significant damages from another earthquake. The Strasbourg chronicler, Fritsche Closener, reported that in 1358 the civic regime decided to initiate an annual procession on Saint Luke's day, called „*sant lux crutzgang*".[21] All regime members should take part in this procession—barefoot and in grey cloaks with grey hats, carrying wax candles in their hands. After the procession, the candles should be donated to the Virgin Mother and the gray cloaks to the poor. Some decades later, the chronicler Jakob Twinger of Königshofen added that on this day bread was also distributed among the poor.[22] A similar annual procession took place in Basel. A description of Strasbourg's procession of Saint Luke from 1471 contains a reference to the so-called „*lux mentel*", i.e. the cloaks of Saint Luke.[23] Having donated the candles at the chapel of the Virgin once the procession was over, the council members would take off their cloaks and take lunch. It remains unclear what happened to the cloaks, whether they were still donated to the poor or whether in the meantime they had become valuable and rather symbolic pieces of cloth that would be saved and reused the following year. These examples illustrate that the clergy and the civic regime would assemble processions for different religious, political, and social events as well as in response to natural disasters.

Besides serving as public demonstrations of piety, processions provided a '*mise en scène*' of social relations in urban space. For the organizers the role and location of participants in a procession should reflect the ideal political and social order, and this proper order was carefully planned and steeped in tradition. Any change of roles or location could expose social tensions and trigger unrest. This can be impressively illustrated by the bakers' conflict at Colmar, which lasted ten years, from 1495 to 1505.[24] The dispute was caused by a change

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[20] Gerhard Fouquet, "Das Erdbeben in Basel 1356—für eine Kulturgeschichte der Katastrophen," *Basler Zeitschrift für Geschichte und Altertumskunde* 103 (2003), 31–49.

[21] Fritsche Closener († between 1372 and 1396), in Carl Hegel (ed.), *Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert* (Strassburg, 1870), VIII: 136–137.

[22] Jakob Twinger von Koenigshofen (1346–1420), in Carl Hegel (ed.), *Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert* (Strassburg, 1870), IX: 862–864.

[23] AMS MR 2, fol. 80 (= pp. 156–157).

[24] Paul Alfred Merklen, *Les boulangers de Colmar 1495–1513. Episode inédit de l'histoire des coalitions ouvrières en Alsace au moyen âge* (Colmar, 1871); Schanz, *Zur Geschichte*, 78–92.

in the formation of Corpus Christi's procession when the bakers' confraternity was denied its traditional place close to the sacrament. This position of honor was instead assigned to the barbers' confraternity. The journeymen among the bakers regarded the change as an insult to their honor, and they left the city *en masse*, successfully boycotting Colmar for ten years and even preventing other journeymen bakers from entering the city.

There is an interesting document identifying the location of the participants for a procession in Strasbourg in June 1438 that was undertaken to enhance the yield of local crops.[25] This event was organized in part on the model of the annual Feast of Corpus Christi's procession. It started after a mass in the cathedral, at the head of the procession were the candle bearers of the various guilds, and then—usually—the members of the guilds followed. However, the manuscript emphasizes that the guild members did not follow this time. Unfortunately it does not offer any explanation for this particular change. Instead, this time the students of the cathedral school took this place, followed by the city's governing officials, i.e. the *Ammeister* and the four *Stettmeister*. The *Ammeister* was the de facto head of the government; he was a guildsman who served for one year in office. The four *Stettmeister* represented the patricians in the government and rotated quarterly in office. The sacrament, which was accompanied by important relics and was the religious focal point of the processions, came next accompanied by four city servants. Four select men had the distinct honor of carrying the canopy that protected the sacrament from the elements. Following at a respectful distance came the municipal councilors and other acting and former officeholders. After these civic notables, the Franciscans carried a cross, accompanied by four servants of the municipal council with candles. The remaining male population of the city processed behind the cross. Finally Strasbourg's women followed a statue of the Virgin usually carried by the Dominicans. The Dominicans, however, are not noted in the source—I assume that the chronicler just forgot to mention them.[26] Once the procession returned to the cathedral, the

[25] AMS MR 2, fol. 79^{v} (= p. 155); Cf. also Pfleger, "Die Stadt- und Ratsgottesdienste," 29. Rubin, *Corpus Christi*, 255–259, shows the growing political importance of the processions throughout Europe.

[26] We often find the sequence of first the Franciscans, carrying the cross and followed by the male population, and then the Dominicans, carrying the Virgin and followed by the female population, e.g. AMS MR 2, fol. 52^{r} (= p. 98) in 1440: "*alle ander mannes personen dem heiligen crutze noch [gon], das die geistlichen bruder, die Barfussen, tragen werden und alle frowen personen unser lieben frowen noch, die die geistlichen brueder, die Brediger,*

priest entered it with the sacrament and went to the so-called 'civic altar',[27] which belonged to the city, even though it was located in the cathedral below the rood screen (*Lettner*) that separated the choir from the central nave. At the end of the 14th century, this was the place where municipal officials discussed civic affairs. They even stood before the rood screen to announce new regulations and decisions—a habit that was not appreciated by the canons at all. After the procession, the statue of the Virgin was put at the one side of the civic altar and the cross on the other. According to the manuscript, the procession started at ten in the morning and ended as the clock struck noon.

The description of the honored place claimed by secular dignitaries that day illustrates that a person or group's social rank can be inferred from their physical position in processions. The letter book B (*'Briefbuch B'*) of Strasbourg offers us a more detailed description of the position of the guild confraternities in a procession. The relevant text describes the formal entry into the town in 1449 of Ruprecht of Bavaria, the bishop of Strasbourg.[28] Before the bishop entered the city, the guilds had to gather at the wine market, with each guild assembled under its banner. They then lined up in the same order displayed in the annual Corpus Christi's procession. The masons came first, followed by the oil merchants' guild, the millers, the cloth cutters, and then the weavers. It is important to note that these guilds would have been the most distant from the sacrament, the spiritual center of honor in the procession, since they were far to the front. As the matter of fact, none of their members ever served as Ammeister, since they were indeed very low in the guilds' hierarchy.[29] As the example of the notables who carried the canopy has shown, social rank and reputation was announced by one's proximity to the sacrament.

Between 1349 and 1450, twenty-eight guilds had representatives on the city council of Strasbourg. They are all named in the text of 1449, and their location in the procession allows us to reconstruct a potential hierarchy among the city's guilds in the middle of the 15th century. We must say 'potential' because there was a different clearly articulated hierarchy of guilds within the civic regime and another one for military

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tragen werden"; also noted in AMS MR 2, fol. 67^{r} (= p. 128) in 1466; or AMS MR 2, fol. 77^{v} (= p. 151) in 1471.

[27] Cf. Pfleger, "Die Stadt- und Ratsgottesdienste", 7.

[28] AMS AA 66, fol. 222^{r}–224^{v}; cf. Alioth, *Gruppen an der Macht*, 318–329.

[29] Cf. Alioth, *Gruppen an der Macht*, 293–331.

musters.[30] For the procession the most influential guilds, those closest to the sacrament, were the butchers, the merchants ('*krämer*'), and the shipmen. The text did not list them by their craft but rather under their respective guildhalls (*Trinkstube*)—flower ('*zur Blumer*'), mirror ('*zum Spiegel*'), and anchor ('*zum Encker*'). The text mentions not only the order of the guilds, but also the number of members participating at the bishop's formal entry. The poor barrel porters were only represented by six men, while seventy-two assembled under the banner of the prestigious shipmen. In all 846 members of the guilds participated in the ceremonial greeting of the bishop in 1449.[31]

The report of the procession in support of the council of Basel against pope Eugene IV in 1438 offers valuable details regarding the path taken through the city.[32] The procession proceeded from the main portal of the cathedral to the parish church of St. Martin, then to St. Thomas, the richest collegiate church in the city, passing the church of St. Peter the Elder, then to the wine market, passing the city mint, crossing the church yard of St. Peter the Younger, and back down the Münstergasse, passing before the bishop's palace and returning through the main portal directly into the cathedral. This elaborate itinerary touched the city's main religious houses and embraced the convents of the Dominicans and the Franciscans within this circuit of collective faith.

The written record can be further illustrated by the oldest visual depiction of Strasbourg's cathedral that includes a procession (cf. figure 1). In 1477, Hans Erhard Tüsch (also known as Johannes Düsch) printed a Burgundian History ('*Burgundische Historie*'), which contains several woodcuts. That same year, these same woodcuts were used for Konrad Pfettisheim's rhymed chronicle on the Burgundian war. In Pfettisheim's chronicle a supplemental woodcut displayed the image of the cathedral and the procession.[33] The image shows an idealized

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[30] Alioth, *Gruppen an der Macht*, 318–330, for the compiting hierarchies of the guilds.

[31] AMS AA 66, fol. 222^{r}: the scribe counted only 844 men, obviosly a miscount.

[32] AMS MR 2, fol. 80^{r} (= p. 156).

[33] Cf. Frieder Schanze, "Pfettisheim, Konrad," *Die deutsche Literatur des Mittelalters. Verfasserlexikon*, 2nd ed. by Kurt Ruh et al., 10 vols. (Berlin, 1978–1999), VII: columns 564–567. The identity of Konrad Pfettisheim is not absolutely certain; presumably it was the homonymous priest of St. Thomas at Strasbourg, who died in 1516. Cf. also Björn Christlieb, "Heilssuche, Andacht und Politik: Formen stadtbürgerlicher Laienfrömmigkeit," in Dietmar Lüdke, Jürgen Krüger, and Sönke Lorenz, (eds.), *Grosse Landesausstellung Baden-Württemberg. Spätmittelalter am Oberrhein*, 3 vols. (Stuttgart 2001), II,2: 453–463, especially 460–461.

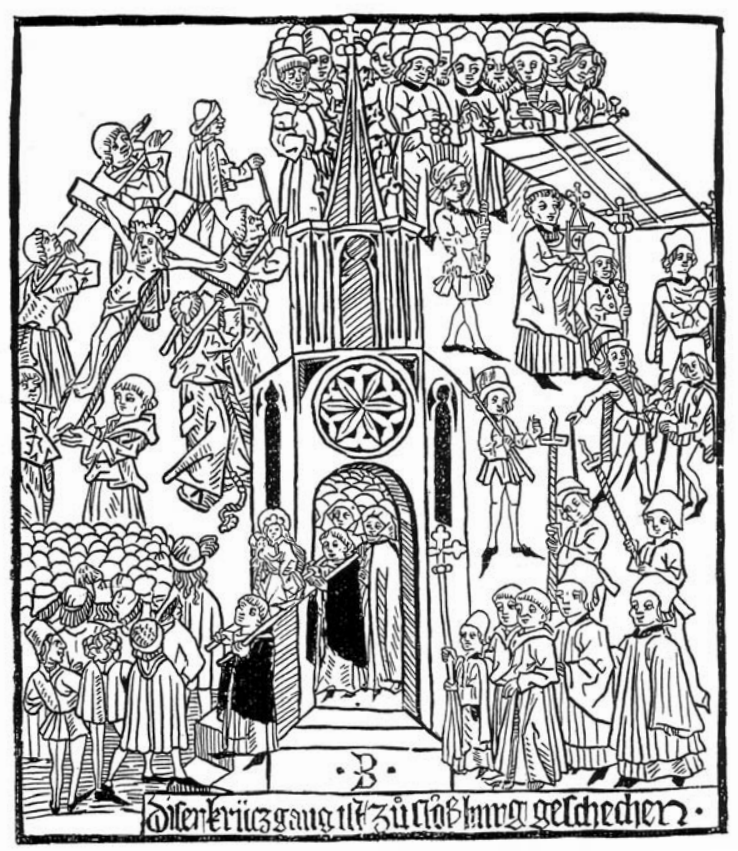

Fig. 1. The Cathedral and Procession, from Conrad Pfettisheim's *Burgunder-Chronik*, Strasbourg, 1477.

procession, with Strasbourg's cathedral as its spatial and spiritual center, symbolized by the Gothic rosette. The image depicts a so-called 'major procession' ('*großer Bittgang*') with the cathedral's often far-flung canons participating. A student carrying a cross leads the procession, two monks and two canons follow him, and in turn are followed by municipal servants carrying two candles. The bishop raises the monstrance up above his head, and four patricians hold the poles that suspend the canopy above the monstrance. Additional inhabitants—most probably councilors—follow with their joined hands denoting their devotion to the sacrament. Subsequently, the Franciscans carry their cross, leading the male population, followed by the Dominicans with the Virgin's statue and the female population, who are just leaving the cathedral in the woodcut.

Within the medieval city, the procession's path marked off an inner, holier space that was circumscribed by the civic population under the guidance of the clergy and municipal officials. Only the most important ecclesiastical centers were inside this space, while lesser convents and monasteries were located on the outside. Changes in the path could redefine inner and outer urban space again and again. Here again the analysis of the procession allows us to understand more about public values and the representation of a hierarchy of belonging in the late medieval city. We see that honor and social rank was communicated by the position in the procession, but it also symbolized social and spatial separation. While certain quarters of the town were integrated into the procession's path, others, such as the Jewish quarter, were avoided by the procession and thereby were excluded or ritually shunned from the public demonstration of social integration and hierarchy.

Social Disorder and Disciplinary Sanctions

In the medieval city, processions were focal points of social life, defining social order but also exposing in public social conflicts within confraternities, between confraternities, and between craftsmen and civic elites. For example, in 1479 the master of the cash box of the linen weavers' confraternity had to serve up fines due to the poor behavior of the journeymen at the Feast of Corpus Christi.[34] The constitution of 1472 shows that journeymen fequently misbehaved.[35] It specifies that no member may disparage any one else, whether he goes before or after him; nor may he make comments such as "I am a member of a guild, I am better, I should go ahead."[36] No one should jostle others in the narrow alleys, hassle bystanders or participants, or make boasts, but rather all should follow the procession devoutly as was fitting for good Christians. In other instances some men stood to the side along with women and were involved in inappropriate conversations, ridiculing and taunting the participants in the procession. Such persons were to be rebuked on the spot and, if necessary, sent away by the servants of the city. If a troublemaker remained there and by this act publicly

[34] Schanz, *Zur Geschichte*, No. 72, ibid. p. 220 (= Schmoller, *Die Strassburger Tuche und Weberzunft*, 93–94).

[35] AMS MR 2, fol. 81^{v}–83^{r} (= pp. 159–161), ed. by Pfleger, "Die Stadt- und Ratsgottesdienste," 46–50.

[36] AMS MR 2, fol. 82^{r} (= p. 160) "*ich bin des antwercks… ich bin besser… ich sol vorgon*".

flaunting his indifference, he had to pay a fine, half of which went to his guild the other half to the city. Monks, clergymen or students of Latin who did not participate in the procession but hung around as spectators should at least not impede the procession. Furthermore civic officials should pay attention that nobody in the procession carried wine in glasses or bottles or brought along other items unsuitable for the solemn occasion. The detailed language of these prohibitions exposes the degree to which processions whose intent was to perform and restore the city's social order also exposed the forces of social disorder.

Already in 1466 the 'dance of the fishermen' was prohibited on Pentecost morning—its main goal had been to mock members of the procession.[37] When the peasants from the surrounding villages, especially Illkirch, came to Strasbourg for Pentecost to participate in the procession, the fishermen openly mocked them. During the procession, the fishermen ran through the city, singing and whistling, carrying swaying palm leaves "as if they wanted to mock the procession" of the rural people, as the manuscript reports. The council assessed a stiff fine of 5£ if this were to happen again—but only if the fishermen "danced" before noon. As a form of public event, processions provided to opportunity to expose smoldering conflicts, in this case between the rural and the urban community.

At the beginning of the 16th century, the spur-makers wanted to stop the journeymen and the apprentices from using bad words and gestures that did not fit upright members of a confraternity.[38] These banned behaviors also included contact with prostitutes at the guildhall (*Trinkstube*).[39] In the nearby Colmar in 1470, the tanners and tawers included an article in their constitution that punished the running of a brothel with the loss of the guild membership and the exclusion from the community.[40] The Strasbourg shipmen regulated that no one living in concubinage or who engaged in usury could be member of the confraternity.[41] Should someone be found guilty of either of these offences, he would be expelled from the confraternity after one month. These

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[37] AMS MR 2, fol. 66^{v} (= p. 127) (= Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 207–208).

[38] AMS III 12/11, No. 6.

[39] AMS III 12/11, No. 6.

[40] Franz Joseph Mone, "Zunftorganisation vom 13. bis 16. Jahrhundert in der Schweiz, Baden, Elsaß, Bayern und Hessen," *Zeitschrift für die Geschichte des Oberrheins* 18 (1865), 12–33, ibid. p. 22.

[41] Brucker, *Strassburger Zunft- und Polizeiverordnungen*, 438–440.

examples show the importance that the founders of the confraternities placed on social sanctions and disciplinary measures as they tried to control the behavior of the young journeymen.

Group Awareness among Journeymen

According to Wilfried Reininghaus, Knut Schulz and Kurt Wesoly, during the 15th century journeymen developed an awareness of their shared identity in relation to their masters.[42] The journeymen freed themselves from the close ties to their masters' household, which had not only provided board and lodging but also a setting for social control. Increasingly, journeymen tried to organize themselves, forming their own journeymen's associations with their own halls (*Trinkstuben*). Furthermore, journeymen's confraternities were central for the development of a new group identity. Membership in such a fraternity became more and more the required precondition to finding work and securing social benefits.[43] Non-local journeymen would get help in their search for work only if they had joined the local confraternity; they were allowed to work for only a few days without being a member. If a journeyman failed to pay the weekly dues, he could be barred from any work. Some confraternities banned all fraternization with non-member journeymen.

Of course, the guilds headed by the masters did not like the increasing self-consciousness of the journeymen. They tried, on their own and through the municipal regime that they now controlled, to prohibit the journeymen's halls (*Trinkstuben*) and to supervise their confraternities. An interesting document, dated from 1404, survives from the furriers' confraternity.[44] On the reverse side a later notation was added recording

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[42] Wilfried Reininghaus, *Die Entstehung der Gesellengilden im Spätmittelalter* (Stuttgart, 1981); Schulz, *Handwerksgesellen und Lohnarbeiter*; Kurt Wesoly, *Lehrlinge und Handwerksgesellen am Mittelrhein. Ihre soziale Lage und ihre Organisation vom 14. bis ins 17. Jahrhundert* (Frankfurt a.M., 1985); Black, *Guilds*, 123–128; Gerhard Fouquet, "Trinkstuben und Bruderschaften—soziale Orte in den Städten des Spätmittelalters," in Fouquet, Steinbrink, and Zeilinger, *Geschlechtergesellschaften*, 9–30, conclusion 255–258.

[43] Schanz, *Zur Geschichte*, No. 28, and footnote 17; No. 71, 72, 74 (= Brucker, *Strassburger Zunft- und Polizeiverordnungen*, pp. 442–443). AMS III 12/11 No. 4 (undated, end of 15th century); on the back the later note "Schlosserbruderschaft GUP 13", which indicates that this piece belonged to the same holding like Schanz, *Zur Geschichte*, No. 74.

[44] Schanz, *Zur Geschichte*, No. 29, 44 (= AMS UK 2969, 1404 IX 27, Transfix 1428 V 28).

that the confraternity was dissolved in 1426 and half of its capital was transferred to the public charity (*städtisches Almosen*) and the other half to the leprosarium. In addition a later transfix from 1444 states that not only was the furriers' confraternity dissolved but also the confraternities of other crafts. Each confraternity had to petition the municipal council to be refounded. While the furriers' masters had been excluded from the confraternity before, they were now allowed to join it when it was officially reestablished. Moreover, the confraternity's leaders could only hold court and dispense justice in the presence of two masters. This document was sealed by the furriers' guild since the journeymen were not permitted to have their own seal.

Other guilds also tried to regain their influence on their journeymen's confraternities. Thus in the second half of the 15th century, the guilds assumed control over the use of the confraternities' cash box. Municipal regulations stated that its monies could not be used to sue the guild masters in court.[45] To keep a close eye on the journeymen, the masters' primary reform was to assume a role on the confraternity's governing board. This increasing control of the masters over the confraternities supported by the guild-dominated muncipal regime can also be observed in the neighboring Zurich.[46] It was obvious that the confraternites could serve as a means for the emancipation of the dependent craftsmen by reinforcing their collective identity and focusing their common actions. This potential was physically embodied in the journeymen's private halls; therefore, municipal regimes often outlawed them. During the 15th century, the sheer volume of govermental regulations of confraternities and journeymen's private halls demonstrated the degree to which they had become sources of social tension between journeymen and their masters and the guild-based civic regime.

The analysis of the social situation of the crafts' confraternities in Strasbourg shows that they served an interface function in late medieval society. They connected church and city, guild and journeymen, lay piety and social benefits. At the same time the confraternities were the battle ground for social conflicts as was illustrated by the ban of the furriers' confraternity and the mockery of the rural people by the fishermen at the Pentecost procession. The lay out of processions pub-

[45] Schanz, *Zur Geschichte*, No. 72, 74; Brucker, *Strassburger Zunft- und Polizeiverordnungen*, pp. 82–85; AMS III 12/11 No. 6.
[46] Cf. Dörner, *Kirche*, p. 254.

licly communicated the social rank of the participating groups. Altering traditional positions in the formation could be interpreted as a violation of honor, as illustrated in the case of the Colmar bakers' journeymen who boycotted the city for a decade in response to the slight. The path of a procession also displayed important information about the sacral topography of a city. At the end of the Middle Ages, confraternities executed a bundle of religious, charitable, and social functions, including the supervision of members' burials or the regulation their behavior during processions. It is important to note that the confraternities were assuming functions that had once belonged exclusively to more powerful social and ecclesiastical institutions. For example, the care for individual salvation and for commemorating the dead was no longer exclusively executed by the church, and social benefits in the case of sickness or death were not longer exclusively dependent on the mercy of a master. Thus a change of urban mentalities and social structure during the 15th century can be illustrated by the example of confraternities.

RATSRÄSON UND BÜRGERSINN: ZUR FÜHRUNGSSCHICHT DER REICHSSTADT NÖRDLINGEN IM 15. UND 16. JAHRHUNDERT

Ingrid Bátori

Reichsstadt in Insellage

Die Reichsstadt Nördlingen, so Hans-Christoph Rublack, erlebte eine „bürgerliche" Reformation[1]. Wer waren aber die Bürger, die sie getragen haben, die im Namen dieser Stadt und für den Städtebund handelten, beim kaiserlichen Hof und an Reichstagen agierten? Wie lebten sie, was bewog sie, sich im Innern und nach außen für ihre Stadt zu engagieren? Was wissen wir über ihre Berufe, ihre Finanzkraft, ihre Familien? Nördlingen war im 15. und 16. Jahrhundert eine Stadt mittlerer Größe, aber mit einer entwickelten Verwaltung, deren schriftlicher Niederschlag hervorragend überliefert ist. Es ist also einen Versuch wert, Lebensumstände und Aktivitäten und schließlich auch so etwas wie eine Mentalität

* Dieser Beitrag beruht auf Materialien, die ich als Mitglied des Sonderforschungsbereichs „Kontinuität und Umbruch in Spätmittelalter und Reformation" (SFB8) an der Universität Tübingen zu einer Prosopographie der Nördlinger Führungschicht gesammelt habe, aber nach Schließung des SFB Ende 1984 nicht mehr publizieren konnte. In Dankbarkeit gedenke ich des am 26. Februar 2006 verstorbenen Leiters des damaligen SFB-Projekts „Süddeutsche Städte in Spätmittelalter und Reformation", Hans-Christoph Rublack. Er und die anderen Tübinger Kollegen, ebenso die Freunde des SFB, darunter besonders Thomas A. Brady Jr. und seine Frau Kathy, waren mir stets inspirierende Gesprächspartner, ohne die erfolgreiche Forschungsarbeit nicht möglich wäre. Den Damen und Herren des Rates der Stadt Koblenz, sowie meinen Kollegen im Stadtvorstand unter Leitung der Oberbürgermeister Willi Hörter (+1995) und Dr. Eberhard Schulte-Wissermann, danke ich die ergänzenden praktischen Erfahrungen, die ich von 1989 bis 1999 als Beigeordnete (deputy mayor) sammeln konnte, und die mein Verständnis für städtische Strukturen erheblich erweitert haben. Ganz besonderen Dank schulde ich Christopher R. Friedrichs, University of British Columbia, Vancouver, der wie kein anderer Nördlingen in der frühen Neuzeit kennt (s. Anm. 20) und sich der großen Mühe unterzogen hat, das Manuskript der vorliegenden Arbeit kritisch zu lesen. Seine wichtigen Korrekturen und Ergänzungen habe ich gerne übernommen. Ebenso hat der Leiter des Stadtarchivs Koblenz, Hans Josef Schmidt, das Manuskript kritisch korrekturgelesen, wofür ich ihm auch hier herzlich danken möchte.

[1] Hans-Christoph Rublack, Eine bürgerliche Reformation: Nördlingen. (Quellen und Forschungen zur Reformationsgeschichte 51) Gütersloh 1982.

der agierenden Personen zu erschließen. Dabei war angeraten, diese Untersuchung auch auf die Zeit vor der Reformation auszudehnen um größere Zusammenhänge in den Blick zu bekommen[2].

Natürlich hatte Nördlingen, die „Reichsstadt in Insellage" (Kießling), mit seinen 6000 bis 8000 Einwohnern[3], nicht die Bedeutung von Augsburg, Ulm oder Nürnberg. Bedingt durch die verkehrsgünstige Lage an der Kreuzung zweier wichtiger Fernstraßen, hatte sich die Stadt aber zu einem Handelsplatz mit bedeutendem Gewerbe entwickelt. Nördlinger Kaufleute sind Anfang des 15. Jahrhunderts in Venedig bezeugt, ebenso in anderen oberitalienischen Städten, im Laufe des 15. Jahrhunderts auch in Genf, Lyon und Antwerpen. Auch in den Osten und Südosten, nach Leipzig, und weiter nach Polen, ebenso nach Linz und Wien sind Handelsbeziehungen belegt. Enge Verflechtungen gab es selbstverständlich erst recht zu den großen Reichsstädten im süddeutschen Raum. Seit 1219 ist die Nördlinger Pfingstmesse nachweisbar, die alljährlich 14 Tage lang abgehalten wurde und auch als wichtiger Zahlungstermin etabliert war. Gehandelt wurden Barchent, Tuche aus flämischer Wolle und dem gröberen Loden aus Nördlinger Produktion[4]. Auch Pelz- und Lederhandel waren bedeutend, ebenso der Handel mit Eisenwaren.

In der ersten Hälfte des 15. Jahrhunderts nahm der Handel mit Barchent erheblich zu. Nördlinger Kaufleute lösten jetzt die Textilverleger aus Augsburg, Nürnberg und Lauingen ab, die bisher das vorwiegend in Nördlingen, aber auch in den umliegenden Dörfern, hergestellte Barchent verlegt hatten[5]. Um in den Textilverlag einzusteigen und

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[2] Vorstudien zur bürgerlichen Elite und der Sozialstruktur Nördlingens im 15. und 16. Jahrhundert liegen vor in: Ingrid Bátori, Herren, Meister, Habenichtse. Die Bürgerschaft der Reichsstadt Nördlingen um 1500. In: Rieser Kulturtage Bd. VI/1, Nördlingen 1986.S. 252–269; diess., Frauen in Handel und Handwerk in der Reichsstadt Nördlingen um 15. und 16. Jahrhundert, In: Barbara Vogel/Ulrike Weckel (Hgg.) Frauen in der Ständegesellschaft (Beiträge z. deutschen und europäischen Geschichte 4) Hamburg 1991. S. 27–47; und diess., Daily Life and Culture of an Urban Elite: The Imperial City of Nördlingen in the 15th and 16th century. In: History of European Ideas 11 (1989) S. 621–627).

[3] Die Einwohnerzahl ist erschlossen aus der Zahl der Steuerpflichtigen (1404: 1294, 1567: 2257), bei Annahme einer Haushaltsgröße von 4,2 Personen (s.u.), zuzüglich einer Abrundung nach oben, da nicht alle Einwohner über die bürgerlichen steuerpflichtigen Haushalte erfaßt sind. Einen Rückgang der Steuerzahler gab es um 1440 (1439: 1222, 1447: 1244) und um 1500 (1507: 1363). Die Steuerbücher der Stadt sind ab dem Jahre 1404 mit wenigen Lücken vollständig erhalten.

[4] Rolf Kießling, Die Stadt und ihr Land. Umlandpolitik, Bürgerbesitz und Wirtschaftsgefüge in Ostschwaben vom 14. bis ins 16. Jh. (Städteforschung A/29) Köln Wien 1989, hier vor allem S. 158ff.

[5] Ebda, S. 214ff.

sich im großen Stil am überregionalen Barchenthandel beteiligen zu können, verkauften einige sogar Grundbesitz in erheblichem Umfang[6]. So entstanden große Vermögen, nicht nur nach Nördlinger Maßstab. Kaufleute, die ihren Geschäftssitz von Nördlingen nach Augsburg verlegten, zählten auch dort zu den reichsten Bürgern[7].

Verfassung der Stadt und Zusammensetzung des Rats

Reichsstadt war Nördlingen seit 1215[8]. Rabe[9] geht davon aus, dass sich etwa in den 60er Jahren des 13. Jahrhunderts ein festes Ratsgremium von zwölf Personen herausbildete. Um die Mitte des 14. Jahrhunderts entstanden Zünfte und seit 1348 gehörten die beiden Zunftmeister aus den acht Zünften, also 16 Personen, dem Rat an. Gleichzeitig wurde die Anzahl der Mitglieder des jetzt so genannten Alten Rats von bisher 12 auf ebenfalls 16 aufgestockt[10]. Insgesamt umfaßte der Rat nun also 32 Personen. Dabei blieb es, bis zu Anfang des 16. Jahrhunderts die Zahl der Ratsmitglieder wieder auf je 12 vom Alten Rat, entsprechend zu jetzt nur noch 12 Zunftmeistern reduziert wurde[11].

Im Jahre 1552 wurde auch in Nördlingen ein so genannter „Hasenrat" eingeführt[12], benannt nach Dr. Heinrich Hass oder Has, der im Auftrag Kaiser Karls V. den oberdeutschen Reichsstädten eine neue

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[6] Ebda. S. 139–152.

[7] Bátori, Herren, Meister, Habenichtse (wie Anm.2). S. 265–267.

[8] Durch Gütertausch zwischen Kaiser Friedrichs II. und Bischof Konrad von Regensburg: Gustav Wulz, Die Kunstdenkmäler von Bayern II, Stadt Nördlingen. Nachdruck München Wien 1981. Einleitung S. 1f. Eine deutsche Übersetzung der Urkunde bei Dietmar-H. Voges, Die Reichsstadt Nördlingen. 12 Kapitel aus ihrer Geschichte. München 1988. S. 12f.

[9] Horst Rabe, Der Rat der niederschwäbischen Reichsstädte (Forschungen z. dt. Rechtsgeschichte 4) Köln Graz 1966, S. 36.

[10] Die Urkunden der Stadt Nördlingen 1233–1349. Bearb. v. Karl Puchner u. Gustav Wulz (Schwäb. Forschungsgemeinschaft b.d.Kommission f. Bayer. Landesgesch. Reihe 2a/1), Augsburg 1952. S. 69.

[11] Die betreffende Rats-Ordnung D gedruckt bei: Karl Otto Müller, Nördlinger Stadtrechte des Mittelalters (Bayerische Rechtsquellen 2) München 1933. S. 170; siehe auch: J. Linder, Zünfte und Stadtregiment. Ein Beitrag Nördlinger Verfassungsgeschichte 1349–1552. Masch. Erlangen 1979; Bátori, Herren (wie Anm. 2). S. 263. Rabe (wie Anm. 9) S. 140. Schon 1436 hatte man einmal daran gedacht, die Anzahl von 32 Ratsmitgliedern zu mindern, hat diese Reduzierung dann aber doch nicht ausgeführt, „*als daz von alter herkomen ist*" (NöStA Ratsprotokoll 1436–1453 fol. 5).

[12] L. Fürstenwerth, Die Verfassungsänderungen in den oberdeutschen Reichsstädten zur Zeit Karls V. Diss. phil. Göttingen 1893; J. Kammerer, Die Nördlinger Verfassungsänderung vom Jahre 1552 in: Historischer Verein für Nördlingen und Umgebung 14, S. 44–64. Nördlingen 1931.

Verfassung verordnete mit dem Ziel, die Zünfte aus dem Stadtregiment zu entfernen. An die Stelle des Alten Rats und des Zunftrats trat nun ein fünfköpfiger Geheimer Rat mit drei Bürgermeistern und zwei weiteren Ratsherren und ein kleiner Rat aus zehn Personen, ohne Beteiligung der Zünfte. Die Zunftmitglieder wurden in einen Großen Rat verwiesen, dessen 25 Personen aber ohne Einfluß auf die Ratsgeschäfte waren[13]. Die jährliche Ratswahl wurde abgeschafft, die Zugehörigkeit zum Rat galt jetzt in der Regel auf Lebenszeit. Abgesehen von einer mehrmonatigen Rückkehr zur alten Ratsverfassung auf Verlangen des Fürstenbunds im darauffolgenden Jahr blieb dies die Verfassung der Stadt bis zum Ende des Alten Reichs[14]. Als Has die Verfassungsänderung durchführte, war Nördlingen allerdings bereits evangelisch geworden[15].

Nach Max Weber[16] waren die ratsfähigen städtischen Geschlechter des Spätmittelalters keine Kaufleute, sondern reiche Rentner, allenfalls Gelegenheitshändler und -unternehmer. Als „ehrsame Müßiggänger" standen sie den Zünften gegenüber und setzten sich von ihnen durch vornehme, ritterliche Lebensführung ab. Diese war auch Voraussetzung dafür, der Stadt ihre Kriegsdienste zur Verfügung zu stellen. Erich Maschke wies dann mit Recht darauf hin, dass zum Patriziat der Städte nicht nur Rentiers gehörten, sondern sehr wohl auch aktive Kaufleute[17].

Auch in Nördlingen rekrutierte sich im 15. und 16. Jahrhundert der Rat aus den reichsten Bürgern der Stadt. Reich war man aber nicht nur im Alten Rat, sondern auch im Zunftrat. In den Steuerranglisten der analysierten Jahre[18], zählen jeweils rund 70% der Ratsmitglieder zu den obersten 10% der Steuerzahler, 1495 sind es sogar 81%, nur 1441 sind es weniger als 50%. Unter den höchsten Steuerzahlern sind die Alten Räte zwar häufiger zu finden, Zunftmeister besetzen bestenfalls

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[13] Kammerer, ebd. S. 49f.

[14] Ebd. S. 56–63. Jüngste Darstellung der reichsstädtischen Verfassungsverhältnisse bei Voges (wie Anm. 8), S. 11–28.

[15] Hans-Christoph Rublack, (wie Anm. 1) v.a. S. 217ff.

[16] Max Weber, Wirtschaft u. Gesellschaft 1922, S. 558–560. Hier zitiert nach Max Weber im Kontext. Gesammelte Schriften, Aufsätze, Vorträge auf CD-ROM 7. Karsten Worm InfoSoftWare. 2. Aufl. 2002.

[17] E. Maschke Verfassung und soziale Kräfte in der deutschen Stadt des MA, vornehmlich in Oberdeutschland I. Teil. In: Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte 46 (1959), S. 289–349.

[18] Nämlich 1411,1423 1435,1439, 1441, 1459, 1471, 1480, 1495, 1507, 1519, 1525, 1531, 1543, 1555, 1567. Für 1404, das älteste überlieferte Steuerbuch, ist eine Rangliste erstellt, es existiert allerdings keine Ratsliste, auch für 1447 nicht. In den Jahren 1555 und 1567 gehören die Geheimen Räte den höchsten 5% Steuerzahlern an.

Rang 8[19]. Aber auch deren Steuerleistung liegt mit wenigen Ausnahmen, die es auch bei den Alten Räten gibt, noch innerhalb der 1. Dezile, auch sie gehören also in der Mehrzahl zu den obersten 10% der Steuerzahler. Es wäre demnach falsch, sich Alten Rat und Zunftrat als zwei verschiedenen Vermögensgruppen zugehörig vorzustellen. Friedrichs[20] hat festgestellt, dass später – zwischen 1579 und 1724 – alle Ratsmitglieder, mit einer einzigen Ausnahme, zu den reichsten 20% der männlichen Bürger gehörten. An der Zusammensetzung des Rats bezüglich des Reichtums hat sich durch den Verfassungswechsel von 1552 also kaum etwas geändert.

Zunftrat und Alter Rat waren aber nicht nur durch ähnliche Vermögensverhältnisse verbunden. 44 von 416 Angehörigen des Rats zwischen 1400 und ca. 1550, also immerhin knapp 11%, gehörten zuerst einige Jahre lang, meist zwei, aber gelegentlich auch sechs, als Zunftmeister dem Rat an und wurden dann in den Alten Rat gewählt. Demgegenüber kamen 99 Ratsmitglieder direkt in den Alten Rat. Maschke[21] hat festgestellt, dass durch die sogenannte Zunftrevolution meist keine Handwerker, sondern bisher vom Rat ausgeschlossene Kaufleute in den Rat gelangten. Auch für Nördlingen ist festzustellen, dass Zunftmeister, die in den Alten Rat kooptiert wurden, eher Händler als Handwerker waren. So kommt Hans Berger (I) als Zunftmeister der Geschlachtgewander (Feintuchweber) 1410 in den Rat. In diesem Jahr versteuert er ein Vermögen von 1.980 Gulden. Bereits fünf Jahre später, 1415, hat er sein Vermögen fast verdoppelt, und es ist anzunehmen, dass ihm dies nicht durch besonderen Fleiß am Webstuhl, sondern durch erfolgreichen Handel zugewachsen ist. Er versteuert jetzt 3.720 fl. und wird in den Alten Rat gewählt. Von jetzt an steigt sein Vermögen nicht weiter, 1431, ein Jahr vor seinem Tod, zahlt er Vermögenssteuer nur noch von 600 fl. Sein gleichnamiger Sohn kommt 1438 bereits direkt in den Alten Rat, obwohl er nur 960 fl. Vermögen versteuert, das er bis zu seinem frühen Tod 1449 – er hinterläßt unmündige Kinder[22] – auf 1800 fl. fast verdoppeln kann. Schon im nächsten Jahr wird sein jüngerer

[19] Die Rangstufen sind nur sehr grob zum Vergleich zwischen den Jahren verwertbar. In Jahren mit einer größeren Zahl unterschiedlicher Steuerbeträge steigt die Anzahl der Steuerrangstufen entsprechend stärker an.

[20] Christopher R. Friedrichs, Urban Society in an Age of War: Nördlingen, 1580–1720. Princeton 1979. p. 179.

[21] E. Maschke (wie Anm. 17) S. 302ff.

[22] Noch bis 1473 zahlt Paul Berger Steuern und Wachtgeld für seinen Neffen Hans, Sohn seines gleichnamigen verstorbenen Bruders.

Bruder Paul Mitglied im Alten Rat. Auch Paul versteuert, wie der Vater, sein höchstes Vermögen ein Jahr vor seiner Wahl in den Alten Rat. 1449 sind es 4800 fl. Als er 1481 nach 32 Jahren Ratszugehörigkeit ausscheidet, beträgt sein Vermögen nur noch 1800 fl. Viel Zeit für eigene Geschäfte kann er als Ratsherr auch nicht gehabt haben. Von 1451 bis 1477 war er, drei einzelne Jahre ausgenommen, alljährlich meist mehrmals in städtischem Auftrag oder in Angelegenheit des Städtebundes unterwegs, 1465 34mal, 1466 32mal, davon siebenmal in Angelegenheit des Städtebunds, 1470 hielt er sich allein 49 Tage lang am kaiserlichen Hof auf. Sein Bruder Hans war in fünf Jahren nur achtmal für die Stadt unterwegs gewesen, der Vater Hans Berger (I) überhaupt nicht[23].

Paul Berger kann somit als Beispiel für einen Ratsherrn gelten, der sich voll in den Dienst seiner Stadt stellte, soweit ersichtlich ohne Bezahlung, das Reitgeld ausgenommen. Schon bevor er in den Rat gewählt wurde, hat man ihn zu Verhandlungen zugezogen, so wurde er 1445 mit beiden Bürgermeistern zur „*kriegssach*“ verordnet[24]. Zwei Jahre bevor er in den Rat gewählt wird, kauft er gemeinsam mit seiner Frau Agnes Riesmann ein Leibgeding von 325 fl. zu 25 fl. „*gült*“ von der Stadt[25]. Möglicherweise hat er sich damals bereits weitgehend aus dem aktiven Geschäftsleben zurückgezogen. Paul Berger stirbt, bereits verwitwet und wahrscheinlich kinderlos[26], im Frühjahr 1498 nach längerer Krankheit. Ein Hans Huter erhält 2 Gulden für Wartung während 35 Tagen. In Bergers Nachlaß fanden sich neben Schmuckstücken, Gold- und Silbergeräten und anderen Pretiosen allein 871 fl. und weiteres Bargeld in verschiedenen Währungen verstreut in zahlreichen Beuteln, Kästchen und Laden.

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[23] Die Reisetätigkeit der Ratsherren im Auftrag der Stadt ist aus dem in den Rechenbüchern dokumentierten „Reitgeld“ zu erschließen. Leider ist Ziel und Dauer der Reise nicht immer vermerkt.

[24] NöStA Ratsbüchlein Schmalfolio 1439–1454, 25. Oktober 1445, p. 286. Es handelt sich wohl um den Städtekrieg.

[25] NöStA Rechenbuch 1448 fol. 23v.

[26] Dies ist anzunehmen, da ein Inventar erstellt wurde und seine Dienerin Katharina Honaltin Lidlohnforderungen erhebt, für die eine Berechtigung erst noch eruiert werden musste. Der geforderte Betrag wurde vorerst hinterlegt. NöStA Inventarbuch 1498 fol. 171ff. Noch 1510 zahlt eine Erbin, verheiratet mit Moritz Wylt in Amberg, 1 fl. 7 lb. 15 d. Nachsteuer für aus der städtischen Steuer gehendes Erbe. NöStA Rechenbuch 1510 fol. 21.

Rat und Beruf

Für eine Reihe Alter Räte lässt sich nachweisen, dass sie während ihrer Ratszeit in eigenen Geschäften tätig waren. Fritz Frickinger sitzt 1415–1426 im Alten Rat. 1421 schuldet ihm ein Bürger in Lohr (Unterfranken) 27 fl. für *bantzer und leinwat*[27]. Sein Ausscheiden aus dem Rat könnte mit seinen 1427 offenbar werdenden finanziellen Schwierigkeiten in Verbindung stehen[28]. Martin Nauer, im Alten Rat 1427–1459, schuldet 1431 für Krämerwaren 115 fl. und 7 Groschen an Anthon Frickinger[29]. Der Alte Rat Hans Eringer bekommt 1434 für fünf Jahre die Stadtbleiche in Bestand[30]. Heinrich Müller erhält 1461 „*im kayserlichen Krieg*" von den Rechnern 30 fl. für 5 Tonnen Heringe[31], Martin Forner, 1451–1500 im Alten Rat, im gleichen Jahr 6,5 fl. für 18 Ellen weißes und 19 1/4 Ellen rotes Tuch, das auch er „*im kayserlichen Krieg*" geliefert hat[32]. 1461 liefert Franz Strauß rotes und weißes Tuch „*ins Heer*"[33]. Jacob Widenmann, 1512–1534 im Alten Rat, verkauft mehrmals Tuch für Röcke der Knechte, Söldner und Büchsenmeister an die Stadt[34], der Gewandschneider Hans Reutter (II), seit 1543 im Alten Rat und nach der Verfassungsänderung bis 1557 Geheimer Rat, liefert 1548 „*8 Ellen rot und weiß aylffbunds dem neuen thurner* (Türmer) *zu aim rock*"[35], und Georg Kantz 1531 zwei Pelze zu 5 fl. zusammen für die Gefangenen im Land[36]. Bartholome Bäuerlin, Kramer, 1540–1545 und 1548–1551 im Alten Rat, liefert 1545 Wachs, Tinte, *zeug* und anderes in die städtische Kanzlei[37]. Zwischen 1529 und 1537 ist Hans Rummel als Lieferant von Tuch für Knechte und Söldner genannt[38], 1432 liefert er roten Wein,

[27] Die Urkunden der Stadt Nördlingen 1400–1435. Bearb. v. Walther E. Vock u. Gustav Wulz. Augsburg 1965 S. 273 (NUB) Nr. 1482. Vgl. auch Kießling (wie Anm. 4) S. 141f.

[28] NUB (wie Anm. 27) NNr. 1677, 1689, 1701, 1712 und NöStA Rechenbuch 1429 fol. 3v.

[29] NUB (wie Anm. 27) Nr. 1804.

[30] NUB (wie Anm. 27) Nr. 1922.

[31] NöStA Rechenbuch 1461 fol. 70.

[32] NöStA Rechenbuch 1462 fol. 70.

[33] NöStA Rechenbuch 1461 fol. 70, März 1462.

[34] NöStA Rechenbücher 1515 fol. 54, 1529 fol. 46v, 1532 fol. 48.

[35] NöStA Rechenbuch 1548 fol. 86. Aylffbund = Elfbund, bezieht sich auf eine bestimmte Webart mit elf Fäden.

[36] NöStA Rechenbuch 1531 fol. 49.

[37] NöStA Rechenbuch 1545 fol. 80.

[38] NöStA Rechenbuch 1529 fol. 48, 1532 fol. 46, 1533 fol. 51, 1535 fol. 46, 1537 fol. 19v.

als der Rat ein Reh und Fische des Abts von Kaisheim miteinander verspeist[39]. Für Speis und Trank werden Weinschenken und Gastwirte unter den Ratsherren des öfteren von der Stadt entlohnt. 1467 liefert der Alte Rat Jörg Fridel den Wein (*Malfaseyer*) anlässlich der Ratswahl[40]. Heinrich Müller erhält 1475 7 lb. 5 sh. Zehrung für des Kaisers Mannschaft, als dieser am 31. Oktober zum zweiten Mal in Nördlingen war[41]. 1524, 1528 und 1529 ist es Anthoni Werder (Anton von Werd), der „*zerung*" von Gästen und für Steuer- bzw. Stadtmähler erstattet bekommt[42]. Caspar Hainricher ist 1534–36 im Zunftrat, 1537–1545 im Alten Rat. 1535, 1538 und 1540 wird in seiner Gastwirtschaft die Wahl von Bürgermeistern und Rechnern mit Speis und Trank abgerundet, sowie verschiedene andere Ratsmähler gehalten[43], außerdem besitzt er das Straußbad[44]. Bei Jörg Schwindenbach kauft der Rat 1529, 1530 und 1535 Wein, der jeweils ausdrücklich als „guter Wein" bezeichnet wird. Er war für die Ratsaus- und einwahl, für das Neujahrsmahl des Rats und das Bürgermeister- und Rechnermahl bestimmt[45]. Schwindenbach war 1513–1536 im Alten Rat. Mit Mang Honnacker saß 1503–1512 ein Notar, mit Doktor Franz Schnitzer 1510–1512 und 1516–1518 ein Arzt im Alten Rat. Wolfgang Graf, der zwischen 1531 und 1552 unzählige Male in diplomatischer Mission am kaiserlichen Hof, an Reichstagen und im Auftrag des Städtebundes unterwegs war, hatte zwei Schmiede in Nördlingen sitzen, deren Arbeiten er verlegte, er handelte mit Sicheln und *segessen* (Sensen). 1538 erlaubte ihm der Rat am Rambach oder zur Aumühle zum Polieren der genannten Waren eine Schleifmühle zu bauen, ein Jahr später eine bei der Neumühle[46]. Sein Geschäft florierte, denn er steigerte sein Vermögen von 800 fl. im Jahre 1531 auf 3950 fl. im Jahre 1551, jedoch scheint er Liquiditätsschwierigkeiten gehabt zu haben[47].

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[39] NöStA Rechenbuch 1532 fol. 49v.
[40] NöStA Rechenbuch 1467 fol. 24.
[41] NöStA Rechenbuch 1475 fol. 17.
[42] NöStA Rechenbücher 1524 fol. 47v., 1528 fol. 46v., 1529 fol. 49v.
[43] NöStA Rechenbücher 1535 fol. 46, 1538 fol. 46v., 1540 fol. 50v.
[44] NöStA Vollmachten Originale, 3. April 1562.
[45] NöStA Rechenbücher 1529 fol. 49, 1530 fol. 46, 1535 fol. 50.
[46] NöStA Calculi Senatorii fol. 105, 10. Sept. 1537, 112v. 4. Jan. 1538, 154v. 13. Feb. 1539, 158v. 9. Mai 1539.
[47] NöStA Calculi Senatorii fol. 103, 22. August 1544: der Rat genehmigt ihm nicht, beim Spital einen Kredit von 200 fl. für einen Hauskauf aufzunehmen, aus der Rechenstube will er nicht leihen, NöStA Ratsprotokoll vom 11. Oktober 1555, fol. 25: Graf erbittet eine Empfehlung (*fürschrift*) des Nördlinger Rats an den Rat zu Metz wegen

Die Ratsaus- und -einwahl

Bis 1552 war es in Nördlingen üblich, alljährlich je ein Mitglied der beiden Ratshälften aus dem Rat heraus zu wählen, um Platz für zwei neue Mitglieder zu schaffen. Die Wahl in den Alten Rat erfolgte durch Kooptation. Besondere Regeln sind nicht bekannt. Die Zunftmeister wurden in ihren Zünften gewählt und dann in den Rat delegiert. Das verlief nicht immer reibungslos. 1453 beschloss der Rat einstimmig, dass künftig ein Zunftmeister nach erfolgter Wahl in seiner Zunft erst dann den Eid als Zunftmeister leisten durfte, wenn er zuvor vom Rat aufgenommen war und dem Rat geschworen hatte[48]. 1480 vermerkt das Ratsprotokoll, „*Unordnung der Wal under den Zunften*“[49]. Welcher Art diese Unordnung war, ist nicht bekannt. 1482 wartete man bewußt die Auswahl des Zunftmeisters ab, bevor der Nachfolger für den Alten Rat gewählt wurde, um die Möglichkeit, einen Zunftmeister in den Alten Rat zu wählen, offen zu halten[50]. 1537 wurden die Zünfte aufgefordert, die Zunftmeister erst abzusetzen und einen anderen zu wählen, wenn der Rat einen Zunftmeister (hin)-ausgewählt hatte. Dabei kam es im Rat zu einer Diskussion, ob es überhaupt tunlich sei, alljährlich eine „Auswahl im Rat“ zu haben, die nur dazu führe, dass Ratsgeheimnisse ausgeplaudert würden und außerdem „*bey ain rhat kain gedechtnus pleibe*“, also die Kontinuität verlorenginge. Die Entscheidung darüber wurde auf einen besonderen Ratstag verschoben[51], offensichtlich aber nicht wieder aufgegriffen.

Der Brauch der jährlichen Auswahl aus dem Rat führte nicht zu einer erhöhten Fluktuation. Manche Ratsherren gehörten dem Rat 20, 30 und sogar mehr als 40 Jahre an, wobei die Zunftmeister durchschnittlich weniger Ratsjahre aufweisen. Es gab jedoch auch Alte Räte ebenso wie Zunfträte, die bereits nach einem Jahr (hin-)aus gewählt wurden, zum Beispiel Oswald Hofmann (AR) 1428, Jörg Fridel 1467 (AR), Martin

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etlicher Schulden, die ihm bewilligt wird. Noch mehrere Jahre nach seinem Tod ist das Haus, das er 1544 gekauft hat, mit 250 fl. belastet. NöStA Vollmachten, Originale, 6. Juni 1563. Zur seiner Verlagstätigkeit s. auch Kießling (wie Anm. 4) S. 250.

[48] Stadtarchiv Nördlingen (NöStA) Ratsbüchlein Schmalfolio 1439–1454, 7. Oktober 1453, p. 203.

[49] NöStA Ratsprotokoll 1479–1481 (Ratssachen), 14. April 1480, fol. 20.

[50] NöStA Ratsmerer 1482–1490, 22. April 1482, fol. 16. Eine ähnliche Taktik verfolgte der Rat im Jahr zuvor, es kommt zu einer Doppelwahl, der Ausgang der Wahl wird hier jedoch nicht ganz deutlich. NöStA Ratssachen 1479–1481, 23. April 1481, fol. 68.

[51] NöStA Calculi Senatorii, 20. August 1537, fol. 103.

Dintzel 1480 (ZR) und der Bierbrauer Eustachius Ernst (ZR) 1548. Dafür mochte es mancherlei Gründe geben, in der Regel wohl vorzeitiger Tod oder das Verlassen der Stadt. Man kann aber wohl davon ausgehen, dass auch vor 1552 die Ratszugehörigkeit tendenziell auf Lebenszeit ausgerichtet war.

Freiwilliges Ausscheiden aus dem Rat oder einem gewählten Amt und die Weigerung, die Wahl anzunehmen, wurden vom Rat ungern zugelassen. 1536 bat Joachim Beck, ihm „*des gerichtsgeens zu erlassen, dann er hab ain grossen hanndel, kain weib und 8 kind, auch wenig verstands*[52]“. Es wird ihm nicht gestattet, er solle wenigstens bis Georgii, dem allgemeinen Wahltag, im Amt bleiben. Ott Vetter wollte 1505, nachdem er seit 1467, also 39 Jahre lang, dem Alten Rat angehört hatte, krankheitshalber aus dem Rat ausscheiden. Der Rat erlaubte dies aber erst nachdem er beeidet hatte, dass er „*seins leib nit vermocht*“[53]. Franz Strauß (III), seit 1479 im Alten Rat, wurde 1491 zum Rechner gewählt, wollte diese Wahl aber nicht annehmen, weil er nicht unbeliebt werden wollte, wenn er später nicht mehr dem Rat angehört: „*was schimpfs und nachred Im entstan möchte, wa er künftig auß gesetzt und geendet werden möchte*“. Es kam zu einer offensichtlich hitzigen Debatte im Rat. Der Rat nahm ihm diesen Ungehorsam sehr übel, er mußte das Amt annehmen, 10 fl. Strafe zahlen und schwören, immer zu tun, was ihm der Rat zu tun heißt[54]. Besser erging es Jörg Goldschmid (ZR), der 1498 zum Rechner gewählt, jedoch „*der Ding erlassen*“ wurde, als er erklärte, zwar lesen, aber nicht schreiben zu können[55]. Ein ganz spezieller Fall ist Martin Forner. Seit 1451 im Rat, bat er im März 1481, ihn doch mit dem Bürgermeisteramt, mit Rat, Gericht und Einungeramt zu verschonen. Er wurde auf die reguläre Wahl am 23. April verwiesen[56]. Siebenmal war er bereits Bürgermeister gewesen. Für sein hohes Engagement spricht, dass er im September 1480 – in diesem Jahr hatte er das Bürgermeisteramt nicht inne – , dem Rat einen mehrere Seiten lange Liste mit Themen vorgelegt hatte, die im Rat verhandelt werden sollten[57]. Am Tag der Ratswahl trägt er dann nochmals die Bitte vor, diesmal nicht zum Bürgermeister gewählt zu

[52] NöStA Calculi Senatorii, 20. Dezember 1536, fol. 80v.
[53] NöStA Mererbuch 1501–1508, 11. Juli 1505, fol. 129.
[54] NöStA Ratsprotokoll, 20. April 1491, fol. 9.
[55] NöStA Ratsprotokoll, 25. April 1498, fol. 119v.
[56] NöStA Ratssachen 1479–1481, 16. März 1481, fol. 61v.
[57] NöStA Ratssachen 1479–1481, 18. September 1480, fol. 40v.

werden[58]. Es wird ihm gesagt, „*man welle die Wal nach altem herkommen furnemen, wurde er also gewelt*“, müsse er die Wahl annehmen. Daraufhin gerät er aus der Fassung und erklärt weinend, dann werde er sein Gut seiner Frau übergeben und das Bürgerrecht aufsagen. Der Rat bleibt hart, es wird gewählt. Die Wahl fällt aber nicht auf ihn, sondern auf Gabriel Eringer, Forner wird jedoch im darauffolgenden Jahr gewählt. Nun versucht er wenigstens die Bürde zu mildern. Er „*hat nach seiner Wahl… sein alter blodigkeit und lanng sitzen furgewendt vnd gesagt… das er nit an die Eynung, noch in das loch* (das Gefängnis) *geen* (wolle). *Auch die Schlüssel zu dem Turn…* (nicht übernehme), *Vnd das er des Marstals, auch der Tauntz* (Tänze) *vnbeladen sey, Auch kein Spil erlauben soll, solle er das Ambt annemen vnd sonst nit, oder ee well er sein Bürgerrecht aufgeben. Ist Im geantwort, daß Er das Ambt nach altem Herkommen annem, Er meg der Eynung und Loch halben annder bitten, die werden Im das nit abslagen, wie annder getan haben, doch mag er im Rat weiter red davon halten*, (denn das sei Sache des Bürgermeisters)*…. Wenn man Teuntz habe, Vnd er nit gern tantzen geen welle, möge er eins der alten Bürgermeister an sein Statt bitten. Von der Schlüssel wegen ist der Vnderbürgermeister erpotten, die…In zehaben…. Vnd von des spils wegen ist auf der Zwen der Rät Stubenmaister gesezt….*[59] Im nächsten Jahr wird Forner nochmals Bürgermeister, und auch 1485, 1488, 1489 und 1491[60], ebenso 1494. Jetzt bringt er noch einmal vor, „*wegen seiner gebrechen und 44 jare sizens*“ doch nicht mehr mit dem Amt beladen zu werden, aber ohne Erfolg[61]. Er gehörte dem Rat noch bis zum Jahre 1500 an, insgesamt 49 Jahre.

Es gibt auch Gegenbeispiele. Mang Honacker wurde 1498 an Stelle von Caspar Funck (I) zum Alten Rat gewählt, lehnte aber ab. Seine Ablehnung wurde angenommen[62]. Möglicherweise spielte dabei der außerordentliche Wahltermin im Dezember eine Rolle. Funck gehörte aber von 1503 bis 1512 dem Rat an. Jacob Fuchshart bedingte sich urkundlich aus, von Amt und Rat verschont zu bleiben. 1425 kam er nach Nördlingen[63], 1429 wurde er für zehn Jahre Paktbürger mit einer festen Jahressteuer von 5 fl., nur neu erworbene oder ererbte Liegenschaften

[58] NöStA, Ratssachen 1479–1481, 23. April 1481, fol. 69.
[59] NöStA, Ratsmerer, 25. April 1482, fol. 18f.
[60] Ebd. fol. 85, fol. 154v, fol. 181; Steuerbuch 1491 fol. 129.
[61] NöStA Ratsprotokoll, 25. April 1495, fol. 63.
[62] NöStA Ratsprotokoll, 17. Dezember 1498, fol. 144.
[63] Elmar D. Schmid, Nördlingen – die Georgskirche und St. Salvator. Stuttgart und Aalen 1977. S. 99.

sollte er zusätzlich versteuern[64]. Nach zehn Jahren verlängerte er diesen Vertrag mit der Stadt auf „*sin leptag*“ (auf Lebenszeit), mit der Bedingung gegen seinen Willen weder in den Rat noch in ein Amt berufen zu werden[65]. Das einzige Amt, das Fuchshart nachweislich im Laufe seines Lebens als Nördlinger Bürger annahm, war das des Kirchenpflegers von St. Georg[66]. Für diese Kirche hatte der Rat 1427 einen Neubau beschlossen. Nach einer Notiz von 1596 ist Fuchshart Stifter des berühmten Hochaltars, der 1462 von Friedrich Herlin vollendet wurde[67]. Es ist aber anzunehmen, dass an der Stiftung auch andere Mitglieder seiner Familie beteiligt waren. Auf dem Stifterbild des Altars sind neben ihm und seinen beiden Ehefrauen Katharina und Agnes zwei Söhne und zwei Töchter aus seiner ersten Ehe, sowie die drei Stiefsöhne aus der ersten Ehe seiner Frau Agnes, nämlich Heinrich, Melchior und Zacharias Müller, offensichtlich portraitgetreu, dargestellt[68]. Während Fuchshart 1459, als wahrscheinlich der Auftrag für das Bild erfolgte, als *Pfaulburger mit Geding* nur 13 fl. Paktsteuer entrichtete, zahlte sein ältester Stiefsohn Heinrich, bereits seit 1445 im Alten Rat, 130 fl. Steuer für ein Vermögen von 13.000 fl., das zweithöchste in der Stadt.

Fuchshart betrieb eine Herberge und den Ausschank von Met, an dem die Stadt durch ein Ungeld von 15 Denaren je Eimer profitierte. Seine zweite Ehefrau Agnes, Tochter des Alten Rats Oswald Gernant und Witwe des Hans Müller, seit 1430 mit ihm verheiratet, brachte ihm neben drei Stiefsöhnen ein offensichtlich nicht unbedeutendes Vermögen zu. Sie zahlte 1435, ebenfalls *mit Geding*, getrennt von ihm 6 1/2 fl. Steuer, er nur 5 fl. Zwei ihrer drei Söhne aus erster Ehe zählten als Erwachsene zu den höchsten Steuerzahlern. Neben Heinrich war dies der zweite Sohn Melchior, er versteuerte 1459 mit 5.500 fl. das fünfthöchste Vermögen. Der dritte Sohn, Zacharias, verfügte dagegen 1459 nur über ein Vermögen von 1000 fl.[69] Hätte der Rat den Wünschen des Jacob Fuchshart im Jahre 1439 nicht nachgegeben, hätte man

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[64] NUB (wie Anm. 27) Nr. 1739.

[65] Die Urkunden der Stadt Nördlingen 1436–1449. Bearb. v. Walther E. Vock u. Gustav Wulz. Augsburg 1968 S. 41 (NUB) Nr. 2072.

[66] Als solcher bestätigt er am 23. Jan. 1449 eine Stiftung zweier Schwestern Ainkürn. Ebenda S. 245f. NUB (wie Anm. 55) Nr. 2586.

[67] Schmid (wie Anm. 53) S. 98.

[68] Schmid (wie Anm. 53) S. 102, mit Abbildungen.

[69] Der Steuersatz änderte sich: Ab 1405 waren es 1 fl. von 60 fl., dann 1/2 fl. von 100 fl. (1443–44, 1448 und ab 1468). In den Jahren 1445–1447 und 1449–67 wurde von 100 fl. Vermögen 1 fl. Steuer erhoben.

eventuell mehrere große Vermögen aus der Stadt getrieben. Nach dem Tode Fuchsharts werden 1467 „*von ihm und seiner Frau hab*“ 300 fl. Nachsteuer fällig[70]. Je nach Steuersatz[71] entsprach das einem Vermögen von 3000 fl. oder 1200 fl., nicht gerechnet das Vermögen, das Fuchshart und seine Frau *mit Geding*, also nicht der städtischen Steuer unterliegend, besaßen.

Das alltägliche Ratsgeschäft

Die Aus- und Einwahl in den Rat fand jährlich am Tag des Stadtpatrons St. Georg, am 23. April statt. Nach altem Brauch läuteten dazu die Glocken und es wurden besondere Fladen gebacken[72]. So war jedem Bewohner der Stadt die Bedeutung der Ratswahl gegenwärtig. Dennoch kam es vor, dass Ratsherren am Tag der Wahl gar nicht anwesend waren. Fernhandel bedeutete eben oft wochenlange Abwesenheit. Nimmt man dazu noch die Reisen, die manche Ratsherren im Namen der Stadt unternahmen, so wird schnell klar, dass der Rat wohl weniger ein Abkömmlichkeits- als ein Präsenzproblem hatte.

Nach der Ratswahl des Jahres 1498 jedenfalls wurde im Protokoll ausdrücklich festgehalten, wer am Tag der Wahl sich künftig seiner Geschäfte halber außerhalb der Stadt aufhalten wolle, der solle seine Wahl vorher aufschreiben oder durch den Stadtschreiber aufschreiben lassen, „*damit deßhalb nit Irrung entste*“[73]. Eine Protokollnotiz von 1478[74] läßt darauf schließen, dass bis dahin regelmäßige Ratssitzungen und eine Tagesordnung nicht die Regel waren. Dort heißt es: „*Ist der statt anligend sach zu betrachten und alle Wochen ain tag furzunemen daruff man ains rats sach vnd gemainer statt furnemen soll und sunst nichtzit anders*“. Es ging wohl auch darum, die Beratung städtischer Angelegenheiten deutlicher von den Gerichtsverhandlungen zu trennen. Auch sonst ließ die Präsenz der

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[70] NöStA Rechenbuch 1467 fol. 12v.

[71] Nachsteuer wurde auf Vermögen erhoben, das durch Mitgift, Erbschaft oder Wegzug aus der Stadt ging. Der Nachsteuersatz für 1467 ist unsicher. Bis mindestens 1451 waren es 25%, urkundlich nachgewiesen z.B. in NUB (wie Anm. 27) Nr. 1309 vom 25. Juni 1416 und NNr. 1433–1434 vom 22. Juni 1419. Freundliche Mitteilung von Herrn Dr. Peter Geffcken, München. Ab frühestens 1486 galt ein Nachsteuersatz von 10%: NöStA Rechenbücher, z.B. 1488 fol. 14.

[72] Daran erinnert ein Ratsbeschluß vom 21. April 1537. NöStA Calculi Senatorii fol. 91.

[73] NöStA Ratsprotokoll 26. April 1498, fol. 119v.

[74] NöStA Ratsbüchlein (Schmalfolio) 1475–1478, 15. Oktober 1478, fol. 56

Ratsherren zu wünschen übrig. Am 12. Mai 1447 beschwor der kleine Rat, „*soweit anwesend in der Ratsstube*“, eine Einung mit dem Bischof von Augsburg und seinem Kapitel. Die abwesenden Ratsmitglieder und der große Rat sollten die Vereinbarung nachträglich beschwören[75]. Schon im Januar desselben Jahres waren „*Unordnung in den Räten, an dem Gericht, an der Aynung und andern*“ sowie „*Säumnisse und Liederlichkait*“ festgestellt worden. Es ist anzunehmen, dass unerlaubte Abwesenheit dabei eine wichtige Rolle spielte, denn ein Einunger[76], der nicht zu Gericht kam, sollte fortan 6 Denare Buße zahlen[77].

Auch die Disziplin im Rat gab Grund zur Klage. 1453 vermerkt das Protokoll: „*Die weil einer Redt, sollten die andern all swiggen (schweigen) und still sitzen*“[78], und 1481 wird daran erinnert, „*es soll bei der alten Gewohnheit bleiben, dass der älteste die Vorrede hat*“[79]. Immer wieder geht es um die nötige Mindestqualifikation der Amtsträger. „*Es ist zu fursorg im Rat angezaigt worden*“, heißt es am 25. April 1482[80], „*das man keinen Rechner wellen soll, er dann vor aufs mynnst* (mindestens) *1 Jar oder zway in den Rat geganngen Vnd kund schreiben vnd lesen*“. Noch 1545 mußte daran erinnert werden, dass niemand zum Bürgermeister gewählt werden sollte, der nicht wenigstens zwei Jahre hatte im Rat Erfahrung sammeln und Einblick in die Amtsgeschäfte gewinnen können[81]. Auch die Überlastung mit Amtsgeschäften wird bereits früh thematisiert. 1453 „*… ist ein cleiner Rat ober der stat preuchen* (Gebräuchen) *gesessen, und nachdem die merklich und groß sind und des einnemens viel minder ist den(n) des ausgebens*“ beschließt man die Einsetzung eines Siebener-Kollegiums unter Einschluß der beiden Rechner[82]. 1484 schließlich erkannte der Rat an, dass „*den drei* (während des Jahres alternierenden) *Bürgermeistern zwiel aufgelegt*“ war und erhöhte ihre Zahl auf vier[83].

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[75] NöStA Ratsbüchlein (Schmalfolio) 1439–1454, p. 67. Der kleine Rat sind die 32 Alten und Zunfträte, der große Rat hatte nur eine affirmative Funktion.

[76] Zu den Einungern gehörten neun Ratsherren („die Neuner“), sechs Alte Räte und drei von Zünften, die 1437 eingesetzt wurden um den Rat zu entlasten. Sie „*sollten gewalt haben aller der lut Irrung und sach zu entschaiden und vß zerichten*“. NöStA Ratsprotokoll 1436–1453, 4. Juli 1437, fol. 17v.

[77] NöStA Ratsbüchlein (Schmalfolio) 1439–1454, 30. Januar 1447, p. 64.

[78] NöStA Ratsbüchlein (Schmalfolio) 1439–1454, p. 214.

[79] NöStA Ratsprotokoll (Ratssachen) 1479–1481, 23. April 1481, fol. 68.

[80] NöStA Ratsmerer 1482–1490, fol. 17.

[81] NöStA Calculi Senatorii 1540–1548, 27. April 1545, fol. 122.

[82] NöStA Ratsprotokoll 1436–1453, 19. Februar 1453, fol. 37.

[83] NöStA Ratsmerer 1482–1490, 22. April 1485, fol. 85.

Ratsherren in auswärtiger Mission

Viel mehr als die Sitzungen und die Amtsgeschäfte vor Ort waren es die Reisen im Auftrage des Rates und der Stadt, die Zeit und Kräfte einzelner Ratsmitglieder in Anspruch nahmen. Nur für sehr wenige Ratsherren – zum Beispiel Georg Gnann, der sechs Jahre (1522–1527) als Zunftmeister und anschließend (1528–1550) 33 Jahre als Alter Rat dem Stadtrat angehörte, – gibt es keinerlei Hinweise auf Reisen in städtischem Auftrag. Manche Ratsherren aber waren buchstäblich laufend für die Stadt, den Städtebund, den Schwäbischen Bund, zu anderen Städten und Fürsten, zum kaiserlichen Hof, egal wo er sich gerade aufhielt, unterwegs. Zu den Aufgaben der städtischen Gesandten gehörten außerdem die Vertretung der Rechte einzelner Bürger in anderen Städten, und auch rein repräsentative Aufgaben wie die Teilnahme an Hochzeiten und Beerdigungen benachbarter Adels- und Fürstenhäuser. So nahm Christoph Glockengießer, 1461–1463 Zunftrat, 1464–1476 und 1479 im Alten Rat, 1475 16 Tage lang an der berühmten Fürstenhochzeit in Landshut teil, Fritz Frickinger, im Alten Rat von 1415 bis 1426, reiste 1420 „*mit einer frau und 2 pfeifern*" zur Hochzeit der Tochter des Conrad von Höppingen. Manche Reise hatte auch ganz praktische Gründe, wenn etwa Conrad Fischer sich 1473 im Auftrag des Rats 5 Tage lang mit 3 Pferden in Augsburg aufhält, „*als er ain klaynhat* (Kleinod) *kaufft dem Kaiser zu verschenken*". Nicht ganz ungefährlich dürften Reisen wie die des Ratsbeisitzers Hans Gerung (II) 1566 gewesen sein: Er brachte den Nördlinger Beitrag zur Türkenhilfe in Höhe von 6.240 fl. nach Augsburg.

Beim Reisen im Auftrag der Stadt zeigt sich am deutlichsten der Unterschied zwischen den Zunftmeistern im Rat und den Alten Räten. Die überwiegende Zahl der Zunfträte war nie für die Stadt unterwegs. Zunftmeister, die später in den Alten Rat kooptiert wurden, reisten so gut wie ausschließlich erst als Alte Räte. Eine Ausnahme war Hans Welk, der 1408 als Zunftmeister in den Rat kam und 1410 in den Alten Rat gewählt wurde. Er war bereits 1407 zweimal für die Stadt unterwegs, 1408 11mal, bis zu seinem Ausscheiden aus dem Rat 1418[84] insgesamt 47mal, allerdings hauptsächlich in der näheren Umgebung,

[84] Er wurde befristet für 5 Jahre wegen „ungesetzlichen Verhaltens" von Rat und Gericht ausgeschlossen NUB (wie Anm. 27) Nr. 1378, später aber nicht mehr gewählt.

in Öttingen, Aalen, Bopfingen, Donauwörth, Ellwangen, Neresheim oder Ansbach.

Mit den großen Gesandtschaften, wenn einzelne Ratsherren oft wochen- und monatelang die Stadt beim Kaiser, auf den Reichs- und Städtetagen oder beim Städtebund vertraten, wurden fast ausschließlich Alte Räte betraut. In der ersten Hälfte des 15. Jahrhunderts war es zum Beispiel Konrad Mangolt, einer der reichsten Bürger, der 24 Jahre lang, alljährlich bis zu 12mal für die Stadt oder den Städtebund unterwegs war. Erst die allerletzten Jahre vor seinem Tod reiste er nicht mehr. Wilhelm von Halle absolvierte in 14 Jahren zwischen 1399 und 1412 über hundert Reisen in städtischen Angelegenheiten. Pauls von Bopfingen beginnt mit 11 Aufträgen im Jahre 1409, 1418 sind es 28. 1417 hielt er sich 30 Tage in Konstanz auf, 1422 ist er 11mal „*uff Gemein stete zu Schwaben*" unterwegs, auch in den darauf folgenden Jahren reist er für den Schwäbischen Städtebund. 1431, ein Jahr, bevor er wegen „*zweyung, mysshellung, unwillen und uneynikgeit mit Heinrich von Halle*" aus dem Rat ausgeschlossen wurde[85], ist er noch 14mal auf Reisen.

Einige, die später dem Rat angehörten, traten erst einmal gegen Sold in den diplomatischen und militärischen Dienst der Stadt[86]. Hans Protzer (II) verpflichtet sich 1423 für ein Jahr *als Diener und Ammann* mit einem Pferd, einem Knecht und einem Schreiber[87]. Er gehörte 1419–1420 und dann wieder 1425–1428 dem Alten Rat an. Der Sohn Pauls von Bopfingen, Jeronimus, tritt seinen Dienst 1427 an, zunächst für eineinhalb Jahre mit drei Knechten und vier Pferden, gegen einen Sold von 80 fl. Er verpflichtet sich „*gein Beheme und zu Beheme* … (gegen Böhmen und in Böhmen) *wider die Hüssen* (Hussiten) *und süst* (sonst), *wo sie des begeren*" für die Stadt tätig zu sein[88]. 1433 bis zu seinem Tod 1449 gehört er dem Alten Rat an, er ist 1437 und bis 1448 einer der ersten „Neuner". In mehreren Jahren, zuletzt 1448, ist er Bürgermeister. Seit 1432 ist er in vielfacher Mission unterwegs, so zum Beispiel 1439, als er gemeinsam mit Walter Ehinger aus der Mitte der Städteversammlung zum Markgrafen von Brandenburg gesandt wird, der die Stadt Dinkelsbühl bedroht. Für Bleziger sind diese beiden „die fähigsten Männer des Städtebundes"[89]. Im Juli 1440 reisen Jeronimus von Bopfingen und

[85] NUB (wie Anm. 27) Nr. 1820.
[86] Dazu auch Maschke (wie Anm. 17), S. 326ff.
[87] NUB (wie Anm. 27) Nr. 1551.
[88] NUB (wie Anm. 27) Nr. 1690.
[89] Harro Bleziger, Der Schwäbische Städtebund in den Jahren 1438–1445 (Darstellungen aus der Württ. Geschichte 39) Stuttgart 1954, S. 43.

Jörg Leo aus Ulm für den Schwäbischen Städtebund zu Friedrich III. nach Wien zur Bestätigung der Privilegien der Schwäbischen Städte. Als im selben Jahr Graf Johannes von Öttingen die Stadt Nördlingen überfallen will, ist es wiederum Jeronimus Bopfinger, der zum König reist[90]. 1448 ist er für den Städtebund 11 Tage in Amberg, dann in Nürnberg, Ulm und Augsburg.

Ebenfalls sehr häufig in Angelegenheit des Städtebunds war Hans Ainkürn unterwegs, der 1428 als Zunftmeister in den Rat kam und 1430 bis 1470 dem Alten Rat angehörte. In einigen dieser 43 Jahre war er mehr als 30mal auf Reisen. Paul Strauß war 1417–1419 als Zunftmeister im Rat, dann wechselte er in den Alten Rat für weitere 35 Jahre bis 1454. 1449, während des Städtekriegs, hält er sich allein 24 Wochen in Ulm auf. Auch Fritz Rüttler beginnt 1412 als Zunftmeister und wechselt nach zwei Jahren in den Alten Rat. Bis 1452 bringt er es auf insgesamt 41 Ratsjahre, ab 1445 allerdings ohne zu reisen.

In der zweiten Hälfte des 15. Jahrhunderts sind es hauptsächlich Ott Vetter, Paul Berger und Gabriel Eringer (Jung), die ihre Stadt nach außen vertreten. Ott Vetter ist viel zur „*Einung*", vor allem nach Ulm und auf Rechnung des Bunds unterwegs, 1485 gemeinsam mit Gabriel Eringer 11 Tage zum Kaiser. Paul Berger reist mehrfach zum Kaiser, in 32 Jahren Zugehörigkeit zum Alten Rat (1450–1481) ist er 27 Jahre lang von 1451 bis 1477 regelmäßig unterwegs, dann ließ sein Alter dies wohl nicht mehr zu. Allein 1466 unternahm er 32 Reisen, davon sieben im Auftrag des Städtebunds, er war unter anderem in Ulm, Heidelberg, Donauwörth, Ansbach, Lauingen, Gundelfingen, Pappenheim, Öttingen, Rothenburg und Dinkelsbühl. Gabriel Eringer ist in 43jähriger Ratstätigkeit (1470–1512) jedes Jahr auf Reisen, mehrfach an den kaiserlichen Hof. 1485 reist er nicht nur mit Ott Vetter zum Kaiser nach Ulm, sondern auch zur kaiserlichen Hofhaltung nach Dinkelsbühl, 14 Tage nach Landshut, 27 Tage nach Nürnberg und 55 Tage nach Frankfurt. Vom 6. August 1472 bis 4. März 1473 hält er sich gemeinsam mit Christoph Glockengießer am Kaiserlichen Hof zu Wiener Neustadt auf, es geht um die Streitigkeiten der Stadt mit Graf Ulrich von Öttingen. Nach nur kurzer Pause sind beide Ratsherren noch einmal sieben Wochen lang, vom 8. April bis 15. Juni 1473 am kaiserlichen Hof zugegen, diesmal in Augsburg.

[90] Ebenda S. 57, S. 62f. S. 67 mit Verweis auf RTA 15 Nr. 196, S. 389, S. 406 Anm. 2 und NöStA Missive fasc. 33 fol. 40v.

In den wichtigen Jahren des frühen 16. Jahrhunderts sind es vor allem Anton Forner, Nikolaus Vesner, Wolfgang Graf, Jacob Widenmann und Kilian Reichart, die für die Stadt auf Kreis-, Städte- und Reichstagen die Verhandlungen für die Stadt führen und den Rat auswärtiger Juristen einholen[91]. Forner vertrat die Stadt auf den Reichstagen in Worms 1521 und in Nürnberg 1524[92]. Seine diplomatische Karriere fand ein jähes Ende als er unbedacht das Erbe einer Witwe ankauft, was ihm eine Anklage wegen Amtsmißbrauch eintrug. Dazu kam eine von ihm nicht verschuldete Verstrickung in den städtischen Aufruhr im April 1525. Er floh aus der Stadt[93]. Nikolaus Vesner vertrat die Stadt in den 20er Jahren als Bundesrat beim Schwäbischen Bund, von dort, ebenso vom Reichstag 1530 aus Augsburg, korrespondierte er eingehend mit dem Rat in Nördlingen[94]. Seine Nachfolge beim Schwäbischen Bund trat Jacob Widenmann an, der auch am Speyrer Reichstag von 1529 teilnahm, jedoch wegen Krankheit um Ablösung bat[95]. Er starb am 27. Dezember 1534. Wolf Graf wird am 16. März 1537 durch ein königliches Schreiben gemeinsam mit dem Stadtschreiber Wolfgang Vogelmann zum Hof Ferdinands abgeordnet, wo er bis zum Dezember bleibt. Er sollte am Hof die hoch- und nieder-gerichtlichen Privilegien der Stadt darlegen, die Judenfreiheiten erneuern lassen und, so der Wunsch des Rats, versuchen, eine Münzfreiheit zu erlangen[96]. Im nächsten Jahr ist er, wieder begleitet vom Stadtschreiber, von September bis November bei Kaiser Karl V. in den Niederlanden[97], und 1541 Gesandter auf dem Reichstag in Regensburg[98]. Dazu kamen weitere Verordnungen, jeweils gemeinsam mit Vogelmann.

Graf war 1528 als Zunftmeister in den Rat gekommen und 1531 in den Alten Rat gewechselt, in dem er bis 1551 verblieb. Nach der Änderung der Verfassung 1552 gehörte er dem Rat nicht mehr an. Wohl aber Kilian Reichart. Er saß 1543–1551 im Alten Rat, ab 1552 im neu geschaffenen Kleinen Rat und war 1564–1575 Geheimer Rat und Bürgermeister nach der neuen Verfassung. Als Gesandter nahm er

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[91] Ausführliche Darstellung der Korrespondenz der Gesandten mit dem Rat bei Rublack (wie Anm. 1).
[92] Rublack S. 131ff.
[93] Rublack S. 112ff.
[94] Rublack passim.
[95] Rublack S. 146.
[96] NöStA Calculi Senatorii fol. 88 und 112.
[97] NöStA Calculi Senatorii fol. 10.
[98] Rublack (wie Anm. 1) S. 244, S.247.

an den Reichstagen 1547 und 1566 in Augsburg und 1557 in Regensburg teil. 1546 reiste er dem kaiserlichen Heer entgegen, 1552 zu den Kriegsfürsten Sachsen und Brandenburg ins Feldlager. Dazu kamen Sitzungen des Schwäbischen Kreises, Verhandlungen mit den Grafen Öttingen und auch ein Ritt nach Donauwörth 1563 um dem neugekrönten Kaiser Maximilian als Geschenk der Stadt einen vergoldeten Becher („*scheuren*") zu überreichen.

Verehrungen und Risiken

Wer so oft und so lange für die Stadt in diplomatischer Mission unterwegs war, mußte sein eigenes Geschäft gut versorgt wissen oder es vernachlässigen. Reitgeld und Roßlohn haben die entstandenen Unkosten der Reitenden in der Regel wohl abgedeckt. Sie erreichten oft ein beträchtliches Ausmaß. Als Gabriel Eringer und Christoph Glockengießer sich *in Graf Ulrich von Öttingen und Freundten sach* vom 6. August 1472 bis 4. März 1473 am Kaiserlichen Hof zu Wiener Neustadt aufhielten, kostete das die Stadt 399 3/4 fl., 1182 lb 6 sh 1 hlr, dazu Reitgeld in Höhe von 315 fl. Es wurden „*verehrungen*" in Höhe von 69 1/4 fl. 8 sh gezahlt, und weitere 49 fl. 16 lb 17 sh 1 hlr. als die beiden im darauffolgenden Jahr 1474 knapp zehn Wochen, vom 8. April bis 15. Juni, am Kaiserlichen Hof, diesmal in Augsburg, verbrachten. Zum Vergleich: In diesen Jahren hatte ein Nördlinger Bürger durchschnittlich etwa 240 fl. Vermögen, Glockengießer selbst kam 1471 auf 1.050 fl. Das Spitzenvermögen gehörte Martin Forner mit 10.800 fl., die gesamte bürgerliche Vermögenssteuer belief sich 1471 auf 1.486 fl. In diesen Dimensionen bewegten sich also die Kosten, die in diesem Fall die Stadt aufbringen musste um ihren Status als Reichsstadt gegen die Grafen Öttingen zu verteidigen.

Regelmäßige „*Belonung der Rät*" gab es erst ab dem Jahr 1501, und zwar zwölf Denare für jeden „*so er ain Ratstag hat ersessen*"[99], in diesem Jahr insgesamt 150 fl., 7 lb. und 16d. Im Jahr zuvor hatten Rechner, Rechenschreiber und Stadtschreiber, Ungelter, Baumeister und Meister Jörg, drei Pfeiffer, drei Türmer, Stadtboten und sechs Knechte eine Verehrung in Höhe von zusammen 140 fl., 2 lb. und 18 d. erhalten, dazu welschen Wein. Auch andere Ämter, zu denen Ratsherren gewählt

[99] NöStA Rechenbuch 1501 fol. 50v.

wurden, erhielten ihre zusätzliche Mühe entlohnt. Schon 1437 hatte der Rat beschlossen, es sollten künftig jährlich an St. Jörgentag zwei Baumeister, einer des Alten Rats und ein Zunftmeister, gewählt werden und im Jahr 20 lb. Stadtwährung erhalten[100]. Ein Richter erhielt Anfang des 16. Jahrhunderts 8 Denare pro Sitzungstag[101], dahingegen wurde am 22. April 1505 beschlossen, den Ratsbürgermeistern ihre 20 lb. Verehrung künftig nicht mehr zu geben[102]. Erst der vierköpfige Geheime Rat oder Ausschuß, der 1542, also ein Jahrzehnt vor der Verfassungsreform durch Has, „*zu den gemeiner Statt Nördlingen Sachen und Anliegen*" eingerichtet wurde, erhielt wieder pro Person eine regelmäßige jährliche *ergetzlichkeit* in Höhe von 10 fl.[103] Ansonsten wurden die für besondere Aufgaben ausgewählten Vertreter der Stadt nach Gutdünken des Rats mit Verehrungen bedacht. Als Wolfgang Graf 1537 an den kaiserlichen Hof nach Prag reitet, erhält er vom Rat 10 fl. zu einem Kleid verehrt[104]. Repräsentative Kleidung war sehr teuer und Graf offensichtlich nicht immer liquide. 1538 bemüht er sich mit Unterstützung eines kaiserlichen Empfehlungsschreibens um das Ammannamt, das noch Jörg Veyhel innehat[105]. Es dürfte aber wohl schon bekannt gewesen sein, dass der Rat mit dem Verhalten des Amtsinhabers unzufrieden war und ihn beurlauben wollte. Veyhel blieb aber noch bis mindestens 1549 im Amt, obwohl er mehrmals abgemahnt wurde[106], Graf wird bis zu einer Vakanz vertröstet. Wenige Jahre später erhält Graf wegen etlicher Ritte nach Böhmen und in die Niederlande – also zum kaiserliche Hof – „*verehrt vnnd nachgelassen biß Inn 66 fl.*"[107]. Es muß sich dabei um die Anerkennung besonderer persönlicher Leistungen gehandelt haben, denn es ist ausdrücklich vermerkt, dass der Stadtschreiber, der ihn begleitete, nichts erhält. Als Georg Gnann, 1522–1527 Rat von Zünften, 1528–1550 Alter Rat, 1544 um eine *verehrung* für seine Tätigkeit als Siechenpfleger nachsucht, die er seit mindestens 1528 ausübt, wird ihm dies vom Rat abgeschlagen, es sei bisher nicht gebräuchlich gewesen:

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[100] NöStA Ratsprotokoll 1436–1453, fol. 14v., 4. April 1437.

[101] z.B. Caspar Scholl 1502–1510, als Richter in der (Pfingst-)messe erhielt er 1 fl.

[102] NöStA Mererbuch 1501–1508, fol. 124v.

[103] Die ersten Mitglieder waren Caspar Wanner, Georg Gnann, Wolfgang Graf und Conrad Gundelfinger. NöStA Calculi Senatorii fol. 54, 24. Mai 1542.

[104] NöStA Rechenbuch 1537 fol. 58v.

[105] NöStA Calculi Senatorii fol. 141, 27. Sept. 1538.

[106] NöStA Calculi Senatorii fol. 169, 15. Okt. 1539, fol. 54v., 6. Juni 1542, fol. 104, 3. Sept. 1544, V. war seit Juni 1511 im Amt. NöStA Merer Buch fol. 48. Worin die ihm vorgeworfenen *mengel* bestanden, ist unbekannt.

[107] NöStA Calculi Senatorii 1540–1548, fol. 74v., 23. Mai 1543.

„*so sollt er den lon, wie annder von Gott nemmen*“[108]. Hans Reuter (I) erhält 1511 1 fl. als Sold für seine Tätigkeit als Zeugmeister, allerdings ist dazu im Rechenbuch vermerkt „*und hinfür sol man kain Zeugmayster nichts mer geben ist ain Rats wyll*“[109]. Der Kürschner Steffan Mair war 1507–1524 und 1531–1533 als Zunftmeister im Rat. Einige Jahre später kommt er, eventuell durch Krankheit oder Alter bedingt, in wirtschaftliche Schwierigkeiten. 1540 verlangt der Rat von ihm, er solle sein Haus verkaufen, seine Schulden beim Rat und bei anderen, auch den Juden, innerhalb von 14 Tagen bezahlen oder die Stadt „*räumen*“[110]. Fünf Jahre später ersucht Mair, man möge „*Ihm ain Jerlich Kompetenz oder underhallt von rhats wegen sein leben lang…geben*“. Der Rat verweist ihn auf die untere Pfründe (das war die Armenpfründe) im Spital. Das nahm er an, seine Frau schickt er zu ihrem Vater zurück[111]. Einige Monate später bewilligt ihm dann der Rat, aus der unteren Pfründe in die obere zu kommen, „*wie andere auch*“[112]. Vorsichtige Zurückhaltung zeigte der Rat auch bei der Entlohnung seiner Dienstleute. Paul Lingk, seit 1503 Stadlmeister und Rechnerschreiber wird 1517 auf seine Supplikation hin ein Sold von 8 fl. jährlich gewährt, die ebenfalls geforderte Provision wird ihm aber abgeschlagen mit der Vertröstung „*ein Rat hette bisher sein getrew diener nit verderben lassen…*“[113]. Ein andermal kommt ihm der Rat allerdings entgegen. Laut seiner Pacht war er verpflichtet, das Wachtgeld, das er nicht eintreiben konnte, selbst zu bezahlen. Der Rat erläßt ihm dies, es bleibt aber in seinem Pakt stehen, „*vrsachen uff ain kunfftigen* (Rechenschreiber), *der villicht nit so fleissig sein möcht*“.

Reich wurden die Ratsherren durch ihren Dienst an der Stadt gewiss nicht. Dennoch nahmen sie erhebliche, auch lebensbedrohende Risiken auf sich. Als Paul Berger am 30. Januar 1463 zum Kaiser reiten mußte – wo auch immer dieser sich zu diesem Zeitpunkt aufgehalten haben mag –, war dies zu dieser Jahreszeit sicher kein reines Vergnügen. Jeronimus von Bopfingen, seit 1433 im Alten Rat, erkrankte 1448 während eines Aufenthalts in Nürnberg, damals war er erwählter Bürgermeister. Die Stadt zahlt für ihn 35fl. für „*Zerung, Arztlon und in*

[108] NöStA ebenda fol. 101v., 1. August 1544.
[109] NöStA Rechenbuch 1511 fol. 114. Er war von 1506–1509 als Zunftmeister im Rat und 1510–1521 Alter Rat.
[110] NöStA ebenda fol. 6v., 9. August 1540.
[111] NöStA ebenda fol. 113, 9. Januar 1545.
[112] NöStA ebenda fol. 148. 19. Mai 1546.
[113] NöStA Ratsprotokoll, 2. Oktober 1517, fol. 85.

die Apotheke“[114]. Ein Jahr später fällt er für die Stadt Nördlingen im Städtekrieg bei Esslingen im Kampf gegen den Grafen von Württemberg[115]. Auch andere haben ihre Gesundheit nicht geschont. Nikolaus Vesner stirbt am 9. Oktober 1530 während des Reichstags in Augsburg, Anthoni Werder (Anton von Werd) 1532 als Hauptmann während des Türkenzugs in Passau[116].

Ein Fall ist überliefert, in dem es wegen der Höhe des Reitgelds und der Verehrungen, die der Rat für besondere Dienste zahlte, Streit gab. Er wurde vom Ratsschreiber sicher nicht zufällig ausführlich dokumentiert[117]. Ulrich Strauß, Mitglied einer der Familien, die im 15. Jahrhundert „die Stadt und ihre Wirtschaft beherrschten“[118], war seit mindestens 1484 Stadtammann und wurde 1494 anstelle seines verstorbenen Vetters Franz Strauß Alter Rat, wobei er das Ammannamt vorerst behalten durfte[119]. Er blieb im Alten Rat bis 1521, zwischen 1497 und 1517 war er in mindestens zwölf Jahren Bürgermeister. Schon vor seiner Wahl in den Rat beginnt 1490 seine Reisetätigkeit, 1491 bereits hält er sich 38 Tage lang am kaiserlichen Hof in Linz auf, es folgen alljährliche Missionen zu Kaiser, König und Fürstenhöfen und regelmäßige Reisen in Angelegenheit der Städte. 1502 ist er als Hauptmann mit 3 Pferden, Reitern und 510 Mann Fußvolk an der Erstürmung des Schlosses *Lepfenburg* (Laufenbürg bei Gunzenhausen) beteiligt. Dabei verhandelt er auch mit Graf Joachim von Öttingen und reist nach Ulm[120]. Überhaupt scheint er bevorzugt für besonders heikle Missionen eingesetzt worden sein. 1506 wurde er als Bürgermeister verordnet, den Juden in der Synagoge die Königlichen Briefe über ihre Ausweisung zu verlesen[121]. 1516 soll er im Auftrag des Rats dem Pfarrer (Emmeran

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[114] NöStA Rechenbuch 1448.

[115] Wulz (wie Anm. 8) S. 5. Jeronimus war seit mindestens 1432 mit Anna Kraft verheiratet, aber die Rechner der Stadt wickeln nach seinem Tod die verbleibenden Sold- und Schadensforderungen mit seinem Verwandten Peter von Bopfingen ab. Vielleicht lebte sie 1449 nicht mehr und Kinder scheint er nicht gehabt zu haben. 1449 belaufen sich die Zahlungen an seine Erben auf 972 1/2 fl., 1450 auf noch einmal 343 3/4 fl. „*an seinem Sold und Schaden für seinen Dienst an gemainen Städten*“. 1450 zahlt Peter von Bopfingen 30 fl. Steuer für „*Jeronimus selig*“, das entsprach in diesem Jahr einem Vermögen von 3000 fl. Für sich selbst steuerte er nur 12 fl.

[116] Wulz, ebenda S. 4f.

[117] NöStA, Mererbuch fol. 75–75v., 26. und 31. August 1512.

[118] Kießling (wie Anm. 4) S. 109, zur Familie Strauß dort auch 149f.

[119] NöStA Ratsprotokoll fol. 55, 19. Dezember 1494.

[120] NöStA Rechenbuch 1502, fol. 143, 24. Feb. 1502.

[121] NöStA Merer Buch fol. 157v., 17. November 1506. Der Stadtschreiber schildert diese Szene sehr anschaulich: „*Also las ich In* (den Juden) *die zwen Bapperin* (papierenen)

Wagner) zum wiederholten Male darlegen, dass der Rat ihm für seine Person „*nichts verbiete und nichts hieße*“, wohl aber dem Ketterlin, des Pfarrers Haushälterin[122]. 1512 wird er vom Rat „*zehnthalber. . . . zu den Munchen*“ geschickt (wegen des Zehnts zu den Mönchen, wohl zur Zisterze Heilsbronn, die das Patronatsrecht an der Nördlinger Pfarrkirche St. Emmeran und St. Georg innehatte[123]). Er weigert sich aber, diese Order auszuführen, mit dem Hinweis auf Verehrungen, „*die der Rat ihm und anderen, die zehendhalber gehandelt hätten, verheißen habe*“. Mathis Reitz[124] habe 20 fl. bekommen, er, Strauß, stände „*nit under dem Reitz*“ und habe für die Stadt viel Mühe gehabt. Mathis Reitz, aber auch anderen gegenüber fühle er sich zurückgesetzt. Und er fährt, wie es der Ratsschreiber protokollierte, fort: *Er wollt auch anzaigen, das er ain guter Nördlinger were geweßt.* So habe man ihm im bayerischen Krieg mit 1 fl. wöchentlich entlohnt, Peter Liesch (1489–1493 und 1496–1506 Zunftrat) aber mit 2 fl. Für den Schweizer Krieg hätten alle, die nicht selbst ziehen wollten, 3 fl. geben sollen, wer aber selbst ziehe, nichts. Er sei selbst gezogen und habe trotzdem gegeben. In anderen Städten hätte man Ratsherren, die in den Krieg zogen, „*Ehrung getan*“. „*Es verdrieße In. denn er hette, weil er da außen geweßt were, ain Rat mit trewen gedient.*“ Noch im Hinausgehen an der Tür, so protokolliert es der Schreiber, „*meldet er Herrn Remboltz von Wemding sach auch*“. Der Rat zeigte sich jedoch von seinen Klagen unbeeindruckt und verkündet seinen Willen, dass Strauß gemeinsam mit seinem Ratskollegen Jacob Widenmann den Ratsbefehl „*vollende*“[125]. Hier fühlte sich eindeutig ein Angehöriger der alten Familien gegenüber Neukömmlingen

koniglichen Brief, Unnd als ich den dritten Permenten (pergamentenen) *Koniglichen Kauff Brief lesen wolt, sagt Bürgermeister Ulrich Strauß, Es tatt nit not…*“. Möglicherweise war dieser dritte Brief nicht für die Ohren der Juden bestimmt, denn der Rat hatte sich die Ausweisung der Juden beim Kaiser durch Vermittlung des Reichsvizekanzlers Nikolaus Ziegler, der einer Nördlinger Familie entstammte, erkauft. Zur Geschichte der Juden in Nördlingen: Voges (wie Anm. 8) S. 154–174.

[122] NöStA Ratsprotokoll fol. 42, 3. März 1516. Zum Streit zwischen Rat und Pfarrer wegen des Ketterlins: Rublack (wie Anm. 1) S. 64f. und 69f.

[123] Zu den Verhandlungen zur Übergabe des Patronats an die Stadt s. Rublack (wie Anm. 1) S. 74–94.

[124] M.R. von Ersingen, ein Seidennäher, war 1464 als Paktbürger nach Nördlingen gekommen (Kießling, wie Anm. 4, S. 84), war seit 1481 im Zunftrat, seit 1489 Alter Rat und gibt 1502 20 fl. Nachsteuer „*von all seiner hab*“ verläßt also die Stadt.

[125] NöStA Merer Buch 1509–1512 fol. 75, 26. August 1512. Schon zwei Jahre zuvor war Strauß wegen einer Verehrungen für Verhandlungen über den Heilsbronner Zehnten beim Rat vorstellig geworden: „*Beriet sich ain Rat und legt auff den Tisch in der Ratsstuben sechs par guldin* [Ergänzung am Rand in Schrift der Zeit: *das ist zwolff gulden*] *Vnd sagt ain Rat hett davon geredt, vnd da yedem zween guldin auff den Tisch gelegt, welcher wolt der mocht nämen. Aber nieman griff darzu*“. Ebenda fol. 35v.

zurückgesetzt. Der Rat als Ganzes war anderer Meinung und beschloß: „(man)… *Will es auch für ain gesatzt haben. Ob nun hinfüro Jemant von Räten allhie an ain Rat begern wurd. Im von seiner dienst wegen, die er ainem Rat und gemainer Statt gethaun zu haben vermain, ain Erung zu geben oder zu thun,… das dann sollichs dhainswegs* (keineswegs) *geschehe. Sonnder abgeschlagen werden und versatzt* (ein Gesetz) *sein soll*“[126].

Familien und Haushalte

Aus einer Liste der Nördlinger Bürgerhaushalte von 1459[127] ergibt sich für dieses Jahr eine durchschnittliche Haushaltsgröße von 4,2 Personen, also Eltern und zwei bis drei Kinder. Das entspricht in etwa den Werten vergleichbarer Quellen der Zeit aus anderen Städten. Zu jedem dritten Haushalt gehörten zusätzlich *Ehalten* (Dienstboten), Knechte und Mägde. Außerdem werden viermal *medlach* (Mädchen im Kindesalter), zehn Knaben, aber auch acht Spinnerinnen, vier Lehrknechte, zwei *Kellerinnen*, zwei Schreiber, drei *Kemerinnen*, ein *Kemer* und schlicht eine „Frau“ gesondert aufgeführt, neben Dienstpersonal für die Haushaltung also auch berufsbezogene Arbeitshilfen. Die Familien der Zunftmeister zählten zwei bis neun Personen, das ist mit 4,75 Personen unwesentlich mehr als der Durchschnitt. Im Gegensatz dazu liegt die durchschnittliche Familiengröße der Alten Räte bei nur 2,75 Personen, also erheblich niedriger. Mit Ausnahme von Peter Spengler, dessen Haushalt aus acht Personen besteht, aber über gar kein Personal verfügt, haben die Zunftmeister zusätzlich zur Familie bis zu vier *Ehalten*. Der Alte Rat Franz Strauß, dessen Familie sieben Mitglieder hat, beschäftigte zwei Mägde, Hans Ainkürn, mit einem Dreipersonenhaushalt, vier *Ehalten*, Martin Forner, sie sind zu fünft, sieben. Da die Anzahl der Ehalten nicht mit dem Vermögen korreliert – Heinrich Müller, mit dem zweithöchsten Vermögen in 1459, hat in einem Fünfpersonenhaushalt nur drei Ehalten, – dürfte die Anzahl des Personals eher mit beruflichen Notwendigkeiten in Zusammenhang stehen. Natürlich sind auch persönliche Umstände, zum Beispiel das Alter, maßgebend. Fünf der Haushalte der 16 Alten Räte bestehen in der Tat nur aus zwei Personen, eventuelle

[126] NöStA Merer Buch 1509–1512 fol. 78v.
[127] Im NöStA.

Kinder waren also bereits erwachsen oder früh gestorben. Vier der 16 Haushalte der Alten Räte haben 1459 überhaupt kein Personal. Wahrscheinlich beschäftigten sie Personen, die einen eigenen Haushalt hatten[128]. Paul Berger, der wohl zweimal verwitwete, lebt 1459 allein und ohne Personal[129]. Alleinstehend ist auch Jacob Protzer, bei ihm wohnen allerdings seine Mutter und zwei *Jungfrauen*, wahrscheinlich seine zwei Nichten, Töchter seiner Schwester, der *Zinglin*[130]. Für sie steuert er als Pfleger von 1448 bis 1461, eine von ihnen ist dann *noch unvergeben*, in den Folgejahren zahlt er aber nicht mehr für sie. Er hat nur eine Magd. Im Zweipersonenhaushalt von Raper (Raffael) Haintzel wohnt Heintz Schlenck für sich allein *(secum)*, der weder zu den fünf Ehalten noch zur Familie gehört, aber auch nicht als Bürger Steuern entrichtet.

Heiraten und Kindeswohl

Aus den Angaben zum Jahr 1459 wird deutlich, wie fragil die Familien dieser Zeit waren. Auch die zahlreichen Pflegschaften für unmündige Kinder in Händen der Ratsherren sprechen eine deutliche Sprache. Deshalb berücksichtigen die Heiratsverträge der Zeit bereits die Möglichkeit des frühen Todes einer der beiden Brautleute. Ein eindrucksvolles Beispiel dafür ist die Heiratsabsprache für Peter von Bopfingen und seine Braut Anna Öffenlerin, Tochter des Cuntz Öffenlin[131], vom 17. August 1410[132]. Es wird verabredet, dass sie im ersten halben Jahr ihrer Ehe bei Heinrich Tötter (AR 1404–1410), der den Ehevertrag für seine „Muhme" Anna abschließt, mit Essen und Trinken in Kost aufgenommen werden, im zweiten Halbjahr bei Heinrich von Bopfingen

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[128] 1440 wird Margreth Bernweilerin, Kellerin des Ainkürn, zu Steuer und Wache aufgefordert, „*dieweil sie aygen Rauch hat*", also selbständig lebt. NöStA Ratsbüchlein (Schmalfolio) p. 148.

[129] Er wurde vor seinem Tod 1498 während 35 Tagen von einem Hans Huter gepflegt (NöStA Inventare), wohl einer der beiden Hans Huter, die 1495 als Bürger steuern und beschäftigte zusätzlich Katharina Honaltin als *Dienerin*. Sie hatte keinen eigenen Haushalt. (S.o. Kap. „Verfassung der Stadt und Zusammensetzung des Rats") Seine erste Ehefrau war Agnes Riesmann, gestorben nach 1448, (evtl. verwandt mit Hans Riesmann, AR 1451–1470), seine zweite eine Tochter des Lutz Nawer (AR 1460–1464), er wird als sein Schwiegervater genannt in: NöStA Ratsbuch fol. 43v., 23. Juni 1472.

[130] Zur Familie Zingel auch: Kießling (wie Anm. 4) vor allem S. 109 und 143f.

[131] Ein Contz Öffenlin ist 1412–1418 und 1422–1423 Zunftrat, eine Verwandtschaftsbeziehung nicht bekannt.

[132] NUB (wie Anm. 27) Nr. 1144.

(AR 1405–1409), dem Vater des Bräutigams. Das läßt den Schluß zu, dass Anna bisher als Waise im Hause von Heinrich Tötter gelebt hat und die Brautleute vorerst noch keinen eigenen Hausstand begründen. Tötter verpflichtet sich auch, ihr Mantel, Rock und Schleier zu ihrem Gewand zu kaufen. Die Brautleute sind also offensichtlich noch sehr jung. Trotzdem wird der mögliche frühe Tod von Bräutigam oder Braut in den Vertrag einbezogen. Beide Seiten geben den Brautleuten den beachtlichen Betrag von je 600 fl. mit in die Ehe, von denen 300 fl. an den Geber zurückfließen, falls der andere Teil des Brautpaars vor dem Zeitpunkt stirbt „*so sie zusammengelegt wurden*". Stirbt ein Teil in Jahresfrist ohne Kinder, erbt der andere Heimsteuer und was sie beieinander „*überkomen*" haben mit Ausnahme inzwischen angefallenen Erbes, „vil oder lützel", das an den fällt, der es sonst geerbt hätte. Haben sie Kinder miteinander „*diü kind sterben oder genesen*", gilt Nördlinger Stadtrecht.

Aus dem 16. Jahrhundert sind zahlreiche Heiratsverträge überliefert, die vornehmlich immer dann abgeschlossen wurden, wenn Kinder aus früheren Ehen zu versorgen waren. Waren beide Brautleute ledig, sah man in der Regel wohl von einer schriftlichen Vereinbarung ab. Nach den Angaben in 141 Heiratsverträgen zwischen 1500 und 1580 sind jedenfalls nur in sieben Fällen nachweislich beide Brautleute ledig. Es sind Sonderfälle, in denen besondere Vermögensverhältnisse berücksichtigt werden mußten, zum Beispiel bei der Heiratsabrede für Barbara Strauß, Tochter des Franz Strauß (AR 1479–1493) und Pankratz Holzschuher aus einer Nürnberger Geschlechterfamilie[133], vom 7. Oktober 1500. Barbara erhält 500 fl. als Heiratsgut und Heimsteuer, dazu Kleider, Kleinodien, Schmuck und *gebound*. Der Bräutigam gibt als Widerlegung und Heiratsgut ebenfalls 500 fl. und dazu eine Morgengabe „*nach sein Frid und gefallen ungeferlich*". Die Heimsteuer, Widerlegung und Morgengabe muß er versichern und auf gute liegende Güter „*verweysen*". Bei Tod eines Ehegatten in Jahresfrist ohne Leibeserben soll das Heiratsgut an die jeweilige Familie zurückfallen[134].

In der Mehrzahl dieser 141 Heiratsbriefe ist einer der beiden Brautleute, meistens der Mann, verwitwet, in mindestens 41 Fällen sind es beide. Genauere Angaben sind nicht möglich, weil die Angaben zum

[133] Holzschuher wird kurz darauf Bürgermeister in Nürnberg, sein Trauzeuge ist der Nürnberger Bürgermeister Anton Tetzel. 1531 erhält Barbara, bereits verwitwet, aus Nördlingen mütterliches Erbe in Höhe von 450 fl., für das sie Nachsteuer zahlen muß, da sie es aus der Stadt nimmt. NöStA Rechenbuch 1531 fol. 20.

[134] NöStA Heiratsbriefe I.

Bräutigam eine Bestimmung des Familienstands oft nicht zulassen. In der Regel werden von beiden Brautleuten gleich hohe Beträge in die Ehe eingebracht, der Rest des Vermögens – so vorhanden – bleibt den Erben aus früheren Ehen oder der Ursprungsfamilie, zum Beispiel den Geschwistern der Braut oder des Bräutigams, vorbehalten. Georg Kantz, der die Stadt auf den Reichstagen in Augsburg 1530 und Regensburg 1532 vertrat[135], heiratete 1531 Appolonia Stromair, die aus ihrer Ehe mit Caspar Hass fünf Kinder hatte. Sein Vermögen wurde mit 400 fl. veranschlagt, sie brachte 2000 fl. als Vermögen ihres ersten Mannes in die Ehe, von denen 1600 fl. für die Kinder vorbehalten waren. Er verpflichtete sich, die Erhaltung und Erziehung dieser fünf Kinder zu übernehmen, bis sie „*manpar* (mannbar) *vnd zu handwerckern gethon muogen werden*". Seine eigenen Kinder aus erster Ehe sollten im Falle seines vorzeitigen Todes 200 fl. erhalten[136]. In einem anderen Vertrag wird festgelegt, dass die Braut, falls sie zuerst stirbt, ihrer Sipp- und Freundschaft 200 fl. vermachen darf[137]. Es konnte auch sein, dass Kinder der neuen Ehe vor denen einer vorangehenden bevorzugt werden, da deren Mutter „*nichts oder gar wenig*" in die Ehe gebracht hatte[138]. In manchen Verträgen wird der Stiefvater ausdrücklich verpflichtet, seine Stiefkinder bis zum 14. Lebensjahr aufzuziehen, sie zur Schule zu schicken, die Mädchen nähen und die Jungen ein Handwerk lernen zu lassen. Die Brautleute Anna Fink, Witwe des Kantengießers Leonhard Fink, und Georg Schöberlin haben beide Kinder aus einer früheren Ehe. Sie verpflichten sich in ihrem Heiratsvertrag aus dem Jahr 1580 ausdrücklich, die Kinder „*in zucht und disciplin*" bis zu ihrem 14. Jahr aufzuziehen, „*auf ihrer selbst Costen ohne der Kinder oder derselben Vormunder ainichen abgang oder schaden*". Für die Kinder der Braut gilt außerdem, dass der Knabe Martin 20 fl. zu einem Handwerk, die Tochter Anna eine „*anberaite bettstatt*" – das war die übliche Mitgift für Mädchen – oder 30 fl. erhalten sollten. Und es wird festgelegt, wenn „*durch ein todtfall oder*

[135] Rublack (wie Anm. 1), S. 145, 159, 238. Er war verwandt mit dem Reformator Kaspar Kantz ebenda S. 95.

[136] NöStA Heiratsbriefe I, 8. Mai 1531. Kantz war Verwalter verschiedener Pflegen und hatte dabei über 16 Jahre lang eingenommen ohne abzurechnen. Als er 1537 schwer erkrankte, wandte sich seine Frau an den Rat, um die Höhe dieser Schulden zu erfahren, die der Rat ihr auch mittetilt. Es waren 400–500 fl. Kantz stirbt im selben Jahr, seine Erben „vertragen" sich deswegen mit dem Rat am 10. Oktober 1537. NöStA Calculi Senatorii fol. 100 und 107.

[137] NöStA Heiratsbriefe I Wilhelm Widenmann und Barbara Wemdinger, verwitwete Willen, 1525.

[138] NöStA Heiratsbriefe I Hans Scheffler und Barbara Goll 1527.

aus andern furfallender Ungelegenheit sich vber kurtz oder lang würde begeben, das dieser Khinder eins oder beede, bey und in der Eltern Cost vnnd Vnnderhaltung, bis auf die benante Zeit der 14 yar, nit bleiben kundten, oder wölten, oder die elteren dieselben nit getulden, daß alßdann nach ehrlicher leut erkantnus, den Kindern der noch vbrigen Zeit halben ein gepürende erstattung geschehen soll"[139]. Kinder aus den damals zahlreichen „Patchwork"-Familien hatten also ein gewisses Selbstbestimmungsrecht schon vor dem 14. Lebensjahr.

Daseinsvorsorge und Armenpflege

Die oben erwähnte Anna Öffenlerin erwarb am 12. Oktober 1414, vier Jahre nach ihrer Eheschließung, von der Stadt ein Leibgeding von 40 fl. für 400 fl. „*auf ihren leib und lebtag*". Die Rente war nur bis zu ihrem Tod zu zahlen[140]. Möglicherweise war dies das Geld, über das sie verfügen konnte, ohne ihrem Ehemann darüber Rechenschaft geben zu müssen. Die Höhe der Rendite (10%) sagt etwas über die geringe Lebenserwartung für junge Frauen zu dieser Zeit aus. Auch Jeronimus von Bopfingen, der dann 1449 im Städtekrieg fiel und von Peter von Bopfingen beerbt wurde, kauft am 10. März 1437 bei der Stadt ein Leibgeding, 50 fl. für 625 fl. auf sein und seiner Frau Leben[141]. Die Verzinsung lag also in diesem Fall bei 8%.

Neben dem Kauf einer Leibrente bei der Stadt kam als Versorgung im Alter, vor allem bei Pflegebedürftigkeit, auch für Ratsmitglieder der Einkauf in die obere Spitalpfründe in Frage, allerdings nur für Alleinstehende, Ehepaare wurden nicht aufgenommen[142]. Wer als Pfründner sich wieder verheiratete, mußte nach dem Stadtrecht von 1370/75 auf die Pfründe verzichten, das galt für die obere wie die untere Pfründe[143]. 1545 bot der Rat dem Mathis Beuttenmüller, der 1525–1533 und 1543–1545 dem Zunftrat angehörte, die obere Pfründe für 250 oder 300 fl. an, seiner von ihm getrennt lebenden Frau für 350 fl. Als sie überlegen, wieder beieinander zu wohnen, zieht der Rat dieses Ange-

[139] NöStA Heiratsbriefe IV, 8. März 1580.
[140] NUB (wie Anm. 55) Nr. 2575.
[141] NöStA Rechenbuch 1436, fol. 32.
[142] Siehe dazu oben den Fall des Steffan Mair, der seine Frau zu ihrem Vater zurückschickt, als er ins Spital geht.
[143] Voges (wie Anm. 8) S. 34 unter Berufung auf: K.O. Müller (wie Anm. 11) S. 52.

bot zurück[144]. Wer ins Spital ging[145], mußte Nachsteuer zahlen, als ob er die Stadt verließe. Für Güter eines oberen Pfründners, die nicht ins Spital eingebracht wurden (und damit nach dem Tod des Pfründners auch nicht an das Spital fielen), mußte das übliche halbe Prozent Vermögenssteuer weiter bezahlt werden[146].

Unvermögende Bürger konnten die untere Spitalpfründe in Anspruch nehmen. Täglich wurden durch das Spital an die 250 Personen verköstigt, zeitweise bis zu 400, die allerdings nicht alle im Spital wohnten[147]. Friedrichs[148] schätzt für das Jahr 1579 die Anzahl der Spitalinsassen auf deutlich mehr als 100. Weil der Rat fürchtete, Familienangehörige Nördlinger Bürger könnten später dem städtischen Almosen zur Last fallen, verfuhr er mit einem Zuzug in die Stadt sehr restriktiv. Als Lienhardt Egkhard, Rat von Zünften, 1535 seinen Schwager in seinem Gartenhäuschen wohnen lassen wollte, erlaubte es der Rat, aber das Almosen mußte „*unbelesstiget*" bleiben[149]. In einem anderen Fall durfte ein Bürger aus dem gleichen Grund nicht einmal seine eigene Mutter von auswärts in sein Haus aufnehmen. 1537 wurde im Rat diskutiert, ob man, wie zum Beispiel in Ulm, die „*dienst ehehalten*" mit einer Steuer belegen sollte, da sie „*grosse lön haben*" und, wenn sie krank werden, ja ins Spital und Blatterhaus aufgenommen werden. Man rechnete aber aus, dass es nur 70 fl. pro Jahr einbringen würde und ließ es bleiben, da doch nur „*unrue vnd zerrüttung dardurch*" in der Gemeinde hervorgerufen würde[150]. 1547 beantragt der Schmied von Möttingen das Bürgerrecht. Er hat aber neun *lebendige* Kinder. So entscheidet der Rat, „*wiewol er ains ziemlichen guten vermugens und sonnst ein gut lob hett*" nur ihn und seine

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[144] NöStA Calculi Senatorii fol. 119, 4. März 1545. Beuttenmüller war am 3. August 1537 zum Spitalmeister gewählt worden (ebenda fol. 102), wurde aber im Dezember 1540 „*umb seiner Frau willen*" *beurlaubt* (fol. 20v.). Am 9. Nov. und noch einmal am 5. Dez. 1543 werden er und seine Frau wegen iher Ehescheidung nach Dillingen an das geistliche Gericht verwiesen (fol. 83v. u. fol. 86). Bis zur erfolgten Scheidung soll er ihr wöchentlich 3 Ort (0,75 fl.) Alimente geben. Kommentar im Protokoll: „*Vnnd ermeß ain rhat, wann man Ihnen die absonderung mit dem gut vergönnen wird. Dz man noch vil weiber finden werend, die Ire Mann trutzen vnnd der abthaylung begern werden. Den 21. Nov. 1543*".

[145] Zur Geschichte des Nördlinger Spitals: Voges (wie Anm. 8) S. 29–46.

[146] NöStA Loser Zettel mit dem Text des dafür vorgesehenen Steuereids im Steuerbuch 1555.

[147] Voges (wie Anm. 8) S. 35.

[148] Friedrichs (wie Anm. 20) p. 36.

[149] NöStA Calculi Senatorii fol. 39v., 26. Juli 1535.

[150] NöStA Calculi Senatorii fol. 82v., 10. Januar 1537.

Frau ins Bürgerrecht aufzunehmen, und es den zukünftigen Kindern des Paares zuzusagen, nicht aber den anderen, die „*müssen es später erkaufen, so sie einem E.R. annemlich seien*“. So sei auch in anderen Fällen schon verfahren worden[151]. In derselben Sitzung beschließt der Rat auch, dass eine Einheirat ins Bürgerrecht mit einer Bürgerin oder Bürgerstochter nur mit einem Mindestvermögen von 50 fl. zugelassen werden solle, es sei denn, jemand sei „*seiner schicklichkait, oder hantierung oder anderer sachen halb*“ dem Rat besonders angenehm. Und dann heißt es im Protokoll: „*… die buben, die Ihren muottwillen ain Jar oder Zwai mit ainer burgerin außgericht vnnd ain rhat Junge bettler gemacht nit allso aus der Statt von Weib und Kind lauffen, vnnd die allmusen so geverlicher verderblicher weiß vberschlagen. Vnnd allso die statt voll bettler machen. Wie bißher, da ain rhat mitleidenlich Zugesehen.… Vnnd dahin gelangt, das vnnser vnnd die allmusen bey nach aller ding verarmbt sein*“. Schließlich wird sogar überlegt, Fremde mit Weib und Kind nur mit mindestens 100 fl. Vermögen ins Bürgerrecht aufzunehmen.

In Wahrheit war das Spital reich. Im Laufe der Jahrhunderte entwickelte es sich, nicht zuletzt durch die Schenkungen Nördlinger Bürger, zum größten Grundbesitzer im Ries[152]. Die „Armen Dürftigen im Spital“ waren neben dem Barfüsserkloster die bevorzugten Empfänger bürgerlicher Stiftungen.

Sorge für das Seelenheil

Während des gesamten 15. Jahrhunderts erfolgten jährlich ein bis drei fromme Werke Nördlinger Ratsfamilien zugunsten des Spitals und anderer Einrichtungen[153]. Nur 1457 sind es 19, unter anderem auch von den Brüdern Heinrich und Melchior Müller. Der Grund dafür könnte in der Verunsicherung durch den Städtekrieg zu finden sein. Warum der Rat 1489 anordnet, dass die Pfleger zu St. Georgen kein Ewiges Licht und keine Jahrtage mehr annehmen dürfen ohne des Rats Willen und

[151] NöStA Calculi Senatorii 1540–1548, fol. 166v.f. 13. Mai 1547.

[152] Dieter Kudorfer, Nördlingen. Historischer Atlas von Bayern, Teil Schwaben, Heft 8. München 1974. S. 158ff.

[153] Ausgewertet wurden das NUB, das Denkbuch des Spitals, die entsprechenden Aufzeichnungen des Barfüsserklosters und das eigens für den Bau der Georgskirche angelegte Schenkungsbuch. Für zuverlässige Aussagen sind genauere Recherchen erforderlich.

Wissen, ist unklar[154]. Im ersten Jahrzehnt des 16. Jahrhunderts erfolgen nur noch ganze drei Stiftungen aus Ratsfamilien, alle in das Spital[155].

Mit Beginn der reformatorischen Bewegung erlischt bei den Stiftungen die Verknüpfung von guten Werken mit dem eigenen Seelenheil. Als Jörg Prügel, Mitglied einer Ratsfamilie, aber selbst nicht im Rat, am 29. August 1522 den Armen im Spital 50 fl. stiftet, erwartet er zwar, dass der Pfarrer die Stiftung verkündet, wenn Brot und Wein ausgeteilt wird, setzt aber keinen Jahrtag mehr ein[156]. Und auch Caspar Drincklin, Zunftrat 1516–1518, errichtet zwar am 25. März 1532 mit einem Gulden jährlich Ewigzins eine Stiftung für die Armen Dürftigen in den Siechstuben, für „*jeglichen Menschen uff dem Palmtag ein halb Maß ziemlichen Weins und dem Pfarrer ein Maß*“, erwartet dafür aber keine Gegenleistung mehr für sein Seelenheil. Als Margaretha Lauginger 1565 beim Rat 100 fl. hinterlegt, wollte sie nur noch ein dankbares Andenken. Nach ihrem Tode sollten 20 fl. in das Reiche Almosen fließen, 20 fl. in das Blatterhaus, „*den Armen dürfftigen Zugetan*“. Den Rest ließ sie den hinterlassenen Kindern ihres Vetters, des Steinmetzen Melchior Kuocher zukommen, damit dieselben, Hanns, Barbara, Anna, Magdalena und Ursula, „*von mir alß Irer basen auch Ein Ergetzlichkeit entpfangen vnnd Mein Im bössten* (zum besten) *gedechten, so setz, orden und schaff Ich Inen die vberig Sechtzig Gulden Nemlich Jedem darvon Zwelf gulden…*“[157].

Eindeutig von reformatorischem Gedankengut geprägt sind die Stiftungen, die als Stipendien für Bürgerkinder errichtet werden und damit dem Wohl der Stadt ebenso wie der Verbreitung der reinen Lehre dienen sollen. Zwei Beispiele seien hier aufgeführt. Magister Mathias Strauß, Pfarrer in Ehringen, möchte 400 fl., die ihm der Rat 1534 übergeben will, als Stipendium stiften, von dessen Ertrag (20 fl.) arme Bürgerkinder studieren sollen, um später „*mit ihrer Kunst*“ dem Rat zu dienen. Als erste sollen aber seine Neffen, sofern sie studieren wollen, damit begünstigt werden[158]. Wenige Jahre später, am 12. Mai 1539, errichtet der Geschlachtgewander Caspar Scholl, offensichtlich unter

[154] NöStA Schenkungsbuch fol. 26, 11. April 1489.
[155] NöStA Denkbuch Spital fol. 51v., 56 und 60.
[156] NöStA Denkbuch Spital fol. 66. Ähnlich vor ihm schon Elsbeth Widenmennin, Hausfrau des Gerg Mendwander (ebda fol. 65v., und Dorothea Marschalkin, geborene Schenk von Schenkentin am Palmsonntag 1519).
[157] NöStA Testamente, 27. Juli 1565.
[158] NöStA Calculi Senatorii fol. 21.

dem Eindruck einer schweren Krankheit[159], sein Testament und begründet gemeinsam mit seiner Frau Margaretha Bucherin eine Stiftung, ausgestattet mit umfangreichen Liegenschaften in und außerhalb der Stadt. Scholl gehörte 1510–1512 als Zunftmeister dem Rat an, 1513–1515 und 1522–1527 dem Alten Rat. 1511 war er Bürgermeister, und schon seit 1502 und bis 1515, mit Ausnahme weniger Jahre, fungierte er als Richter, 1510 und 1513 auch als Brotschauer. Seit 1522 reist er zum ersten Mal in Angelegenheiten der Stadt, 1523 „*wegen der pfarr*" – gemeinsam mit dem Stadtschreiber – nach Nürnberg, Augsburg und Dillingen, 1524, wieder mit dem Stadtschreiber, nach Ansbach und zum Städtetag nach Ulm. Den Reichsstädtetagsabschied unterzeichnet er für Nördlingen gemeinsam mit Anton Forner[160]. 1525 reitet er „*den Bundschen*" nach, verhandelte also mit den aufrührerischen Bauern. Gleichzeitig sah er sich in der Stadt üblen Verleumdungen ausgesetzt. Der Spulbub des Geschlachtgewanders Trummer, wie sein Lehrherr am Aufruhr gegen das Stadtregiment beteiligt, schrie vor seinem Haus, Scholl habe falsche Tücher gemacht[161]. Im gleichen Jahr reist Scholl zu den Städtetagen nach Ulm und Speyer und als Beistand nach Dinkelsbühl und Schwäbisch Gmünd. Theodor Billican[162] widmete ihm und dem Altem Rat Dr. Paul Röttinger seine 1524 verfasste Apologie[163].

Caspar Scholl versteuert 1504 ein Vermögen von 400 fl., 1507 hat er es bereits verdoppelt. In den Jahren 1531–1533 ist sein Vermögen auf 2200 fl. angewachsen, dann steuert er wieder weniger, 1543–1545 sind es nur mehr 900 fl. Scholl unterzeichnet die Stiftungsurkunde eigenhändig, auch im Namen seiner Frau, die selbst nicht schreiben kann. Zeugen sind der Stadtammann Georg Veyhel, Hans Warbeck der Alt, Adam Strauß der Ältere, alter Zunftmeister, Georg Scherb, Ellinger Kastner, der Apotheker Hans Möttlinger, Paul Vischer, Gastgeb und Daniel Virnhaber von Schwäbisch Hall „*dieser Zeit daselbst zu Nördlingen wohnhaft*". Keiner der Zeugen war im Rat, Scherb wurde erst 1552 mit der neuen Verfassung Geheimer Rat.

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[159] „*… unser beeder betagt allter, vnnd dann das wir auch zur Zeitenn mit leibs Schwachhait vnnd zufelligen Krankheiten besucht…*" NöStA Testamente.

[160] Rublack (wie Anm. 1) S. 141.

[161] Rublack, ebenda S. 129.

[162] Zu Billican: Rublack (wie Anm. 1) S. 106–111.

[163] Rublack ebenda S. 109.

Mit der Errichtung der Stiftung zeigt Scholl klar seine reformatorische Gesinnung: „… *Und wir aber daneben auch aus bericht Göttlicher Schrifften guttermassen verstendigt werden, das aigne werckh vnnd gesuchte gottesdiennst, vigilien, Seelgeredt, Kirchennsteuer, Seelmessen vnnd annder verdienst, damit wir vnns dem Herrn dannckpar erzaigen oder vnns dardurch ain gedechtnus zumachen vermainen möchten, nit allain vergeblich, sonnder auch verfuerlich, alls die Gott dem Herrenn sein ehr enntziehen, vnnd Inn somma vor dem angesicht Gottes wie der prophet sagt, höher oder besser nit, dann ain befleckt Tuch ainer Krancken frawen scheinen, vnnd allso der Seelen hayl mehr verhinderlich dann furtreglich geacht werdenn,…*“. Seiner Meinung nach neigen die althergebrachten, ehrbaren und vermögenden Familien, die alleine für den Gemeinnutz und die „*burgerliche Polizey*“, also Recht und Ordnung, sorgen und ihre Kinder „*zum studio verlegen, oder sonnst zu heilsamen vnnd tugendsammen künsten, sprachenn, vnd Übungen auffziehen*“ mehr und mehr zu „*schmerzlichem abfall*“. Wenn es aber an Leuten mangelt, die ihre Kinder studieren lassen, muß Kunst und Sprache zugrunde gehen. Und „*auch daß gnadenreiche Evangelion, das vnnser Gott Inn diesen lettsten Zeiten so reichlich wiederumb an tag geben hat*“ käme „*in nachlaß*“. In den Genuß der Stiftung sollen jeweils die ältesten im Mannesstamm der Familie Scholl kommen, die wiederum ihre Kinder „… *Erstlichen Zu den particular, vnnd vollgennds Zu den hohen Schulen, auff ziehenn, Zur lernung, vnnd Zu Erbarkait anhallten mit gutten preceptoribus, vnnd leermaistern versehenn, Zu hailsammen guten sitten, künstten, vnnd sprachenn yeben* [üben], *Vnnd Inn der Hailigenn Schrifft, den Kaiserlichen Rechtum* (Rechtslehre), *oder Artzney Studiren lassenn*“. Sie sollen sich dann zuerst dem Rat anbieten, sollen Rat oder Vaterland dienen, jedoch „*umb zimliche vnnd gepurliche besoldung…*“. So spricht ein praktisch denkender Kaufmann, kein frommer Schwärmer. Falls die Familie im männlichen Stamm ausstirbt, fällt nach Willen des Stifters die Hälfte des Stiftungsvermögens an die Stadt, die davon das Studium guter Prediger befördern soll. „*Das demnach Gott dem Herren zu Ehren vnnd gemainer Statt Zu nutz vnnd wolfart Christennliche gelerte vnd friedliebennde Prediger, die das Wort Gottes Rhain vnnd lautter vnvermischt frembder lere furtragen…* (ausgebildet werden),… *Die Christenlich gemain zu Gottes ehrforcht vnnd lieb, auch Zu gehorsam Irer Oberkait, Vnnd alßo Zu fridsam Burgerlicher Zucht, vnnd ainigkait, auch Zu achtung deß Vatterlannds teglichen an der Cannzell ermanen.… vnnd also dardurch abermalls geschickte verstenndige leut, geschickte prediger vnnd vernünftig Regenten vnnd vorgeer dem Allmechtigen Zu lob vnnd gemainen nutz Zu gut, davon aufferzogen vnnd gepflanzt werden sollen*“.

Scholl lebte noch mindestens weitere zwölf Jahre. Am 23. Mai 1551 vermacht er seiner Dienerin Margaretha Großklessin aus Ellwangen 20 fl. und ein „*anberaite betstatt*“, außerdem noch 50 fl., unter der Bedingung,

dass sie ihn bis an sein Lebensende weiter betreut und pflegt[164]. Damit verfügte sie über eine bessere Mitgift als manche Bürgerstochter.

Bürgersinn und Bügerpflicht

Aus vielen Einzelheiten ergibt sich doch ein Bild jener Bürger, die im 15. und 16. Jahrhundert für das Geschick ihrer Stadt verantwortlich waren. Nicht alle, aber die meisten, auch im Zunftrat, gehörten der ökonomischen Oberschicht an. Dabei gab es überraschenderweise keine starre Grenze zwischen Zunftrat und Altem Rat, der Alte Rat rekrutierte sich zum Teil aus dem Zunftrat. Man kann vermuten, dass nicht nur eine gesicherte ökonomische Basis, sondern auch die Tauglichkeit, die Stadt nach außen zu vertreten, für eine Kooptation in den Alten Rat entscheidend waren.

Mitglied des Rats zu sein bedeutete sicher viel Ehre, aber auch eine erhebliche Last. Es hieß ja nicht nur jahrzehntelang im Rat zu sitzen, sondern auch monatelange Abwesenheit aus der Stadt, von der Familie und eigenen Geschäften in Kauf zu nehmen und die Strapazen des Reisens zu allen Jahreszeiten zu ertragen. Nicht wenige nahmen dabei Risiken bis zu Krankheit und Tod auf sich. Warum? Bürgermeister Ulrich Strauß brachte es in seinem großen Streit mit dem Rat auf den Punkt, als er betonte, er sei immer ein guter Nördlinger gewesen. Ein guter Nördlinger zu sein, das hieß, den eigenen Geschäftserfolg dem Gemeinwohl unterzuordnen ohne dafür mehr zu erwarten als die Erstattung der angefallenen Kosten. Natürlich war es auch für die eigenen privaten und geschäftlichen Interessen wichtig die politische Handlungsfähigkeit der Stadt zu erhalten und zu stärken. Aber die Identifizierung mit der Stadt, die Bereitschaft sich für ihre Interessen vor allem als Reichsstand einzusetzen, war sehr hoch.

Zur Sorge um die Stadt gehörte auch die Sorge für bedürftige Mitbürger, Kranke und Alte. Schenkungen an das Spital und andere wohltätige Einrichtungen erfolgten schon vor der Reformation ohne Verknüpfung mit dem eigenen Seelenheil. In den 30er Jahren des 16. Jahrhunderts treten endgültig gute Unterweisung und Predigt für alle in den Vordergrund. Stipendienstiftungen mit der Bestimmung Bürgersöhnen ein Studium zu ermöglichen, das diese wiederum verpflichtet,

[164] NöStA, Testamente.

sich als Theologen, aber auch als Ärzte und Juristen in den Dienst der Stadt zu stellen, signalisieren den Mentalitätswandel durch die Reformation. Der Rat als Ganzes handelte in Fragen der sozialen Fürsorge stets restriktiv. Einzelne mögen sich erhofft haben, für sich selbst oder nahe Verwandte zum Beispiel bei der Aufnahme in das Spital Ausnahmen in Anspruch nehmen zu können. Der Rat als Vertreter der Gemeinde aber war immer darauf bedacht, die Leistungsfähigkeit der sozialen Einrichtungen nicht zu überfordern und die Finanzkraft der Stadt zu schonen.

PORTRAIT AND PAGEANTRY: NEW IDIOMS IN THE INTERACTION BETWEEN CITY AND EMPIRE IN SIXTEENTH-CENTURY NUREMBERG

Heidi Eberhardt Bate

Well before the mid-fifteenth century, the free imperial city of Nuremberg held a privileged position in the Holy Roman Empire. The city was entitled to host the first imperial diet of each new emperor's reign; it kept the imperial relics and regalia; and many of its patricians, artists and intellectuals were frequently at court or had contact with its members. These and other signs of favor were extremely important to Nuremberg's Council, and they remained so in the wake of the city's adoption of religious reform in 1525. Attempts to assert and to influence the city's relationship with its sovereign were many, and they took a surprising variety of forms, two of which will be considered here: the commissioning of a posthumous portrait of Maximilian I for the interior of Nuremberg's city hall in 1521 and the replacement of religious ceremony with artworks, entertainments and mechanical marvels in the ritual entries of royal and imperial visitors by the middle of the sixteenth century. In addition to their novelty, these initiatives shared a stylistic dependence on classical idioms, a feature upon which civic art and ceremonial increasingly came to rely. Together, they allow us to see how Nuremberg successfully adapted its political iconography and civic performance art to affirm its loyalty to the imperial house at a time when traditional, medieval solutions became untenable or ineffective.

By the 1520s, Nuremberg had had a long and complex history of interaction, negotiation and reciprocal obligation with its imperial sovereign. The city's councilors actively sought the concession and subsequent confirmation of imperial privileges and strove to obtain both with as little municipal liability as possible—without, however, calling Nuremberg's allegiance to the emperor into question. In fact, in 1535, Sebald Pfinzing described obedience to the emperor as the city's defining characteristic: "Nuremberg is only Nuremberg because she has always

been properly loyal to her lords, the Roman kings and emperors."[1] Especially important to the city were Frederick II, who granted vital privileges in the Charter of 1219; Henry VII, for privileges of 1313; Ludwig (IV) of Bavaria, for concessions in 1320; and Charles IV, who won the city from Wittelsbach to Luxemburg allegiance in the mid-fourteenth century.[2] Ludwig of Bavaria visited the city more frequently than any other emperor, sixty times between 1315 and 1347.[3] In the Golden Bull of 1356, Ludwig's successor, Charles IV, decreed that the first imperial diet of each reign was to take place in Nuremberg. Finally, in 1423, Emperor Sigmund chose the city to act as repository of the imperial regalia.[4]

Nuremberg also performed a number of other imperial functions. City hall, for example, frequently served as the venue for political assemblies and for the administration of other imperial business.[5] Already in the 1430s and 1440s, the imperial court [*Hofgericht*] met in the Great Hall (the largest chamber of city hall), and numerous civic and diplomatic ceremonies (including homage to Roman emperors and kings) happened there. The city served as a center for the collection of imperial taxes, and it was the seat of the imperial governing council [*Reichsregiment*] proposed in 1495 and established between 1500 and 1502 and again

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[1] Cited in Gerhard Pfeiffer, "Vom 'Nürnberger Anstand' zum Augsburger Religionsfrieden," in Gerhard Pfeiffer, ed., *Nürnberg: Geschichte einer europäischen Stadt* (Munich: C.H. Beck, 1982), 165.

[2] F.R.H. Du Boulay, *Germany in the Later Middle Ages* (London: The Athlone Press, 1983), 122, 126–7. The Charter of 1219 is published in Gerhard Pfeiffer, ed., *Nürnberger Urkundenbuch* (Nuremberg: Selbstverlag des Stadtrats zu Nürnberg, 1959), 111–14.

[3] Fritz Schnelbögl, *Der Kaiser in Nürnberg. Archivalienausstellung des Staatsarchivs Nürnberg* (Nuremberg: Staatsarchiv Nürnberg, 1962), 30. See also G.W.K. Lochner, *Kaiser Ludwig der Bayer und die Stadt Nürnberg* (Nuremberg: Friedrich Campe, 1840).

[4] The decision to move the regalia from Karlstein to Nuremberg is recorded in an edict of 29 September 1423. Staatsarchiv Nürnberg [hereafter abbreviated StAN], Rep. 1a, Kaiserprivilegien, Nr. 283 and Wilhelm Altmann, ed., *Die Urkunden Kaiser Sigmunds (1410–1437)*, vol. 1 (Innsbruck: Wagner, 1896), 396–97 (Nr. 5619). The regalia arrived in Nuremberg on 22 March 1424 in the care of Jorg Pfinzing and Sigmund Stromer.

[5] Reinhard Seyboth, "Reichsinstitutionen und Reichsbehörden in Nürnberg im 15./16. Jahrhundert," *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg* [hereafter abbreviated *MVGN*] 79 (1992): 89–121 and "Reichsstadt und Reichstag. Nürnberg als Schauplatz von Reichsversammlungen im späten Mittelalter," in *Festschrift für Alfred Wendehorst zum 65. Geburtstag*, ed., Jürgen Schneider and Gerhard Rechter (Neustadt/Aisch: Degener, 1992), 209–221. Imperial meetings and functions played an important part in the preservation of Nuremberg's position as that imperial city most closely associated with the empire in the sixteenth century. Seyboth, "Reichsinstitutionen," 89.

between 1521 and 1524.[6] Three imperial diets took place in Nuremberg in the years 1522–24 alone.[7] Nevertheless, relations with the imperial house became somewhat strained in the century after Sigmund, largely as a result of imperial failure to provide assistance in the city's military conflict with the Margrave of Brandenburg between 1449 and 1452, and encounters with Frederick III exacerbated the problem, as the emperor refused to confirm the city's freedoms in his early visits and held himself largely aloof from doings in the city while there.[8]

In contrast, Frederick's successor, Maximilian I, seems to have taken a different approach.[9] Whether from motives of genuine affection or from a belief that good relations came at a cost, he referred to the cities Augsburg and Nuremberg as his *Liebhaberinnen* (the term may be translated as 'lovers' or 'mistresses').[10] Unlike his father, who had been reluctant to confirm municipal privileges, Maximilian did so, and he actively participated in civic social events.[11] During a visit lasting five months in 1491, he attended the patrician wedding of Alexius Haller and the daughter of imperial privy councilor Veit Wolckenstain at city hall on 13 June.[12] Two weeks later, he himself hosted a soirée in the

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[6] Johann Christian Siebenkees, ed., *Materialien zur Nürnbergischen Geschichte*, vol. 1 (Nuremberg: A.G. Schneider, 1792), 71–75. See Victor von Kraus, *Das Nürnberger Reichsregiment. Gründung und Verfall, 1500–1502. Ein Stück deutscher Verfassungsgeschichte aus dem Zeitalter Maximilians I.* (Innsbruck: Wagner, 1883) and Sigmund von Oelhafen, "Instruction an Sixt Oelhafen, was er im Namen des Kaiser Maximilian I. dem Churfürsten zu Maintz wegen des Kais. Siegels in antwort anzeigen soll," *MVGN* 11 (1895): 197–201 on the early period and Adolph Grabner, *Zur Geschichte des zweiten Nürnberger Reichsregimentes 1521–1523* (Berlin: E. Ebering, 1903) on the late. Seyboth, "Reichsinstitutionen," 101–21 introduces both.

[7] They are discussed in Otto Redlich, *Reichstag von Nürnberg* and Birgitta Mogge, "Studien zum Nürnberger Reichstag von 1524," *MVGN* 62 (1975): 84–101.

[8] Karl Hegel, ed., *Die Chroniken der fränkischen Städte. Nürnberg*, vol. 3 (Leipzig: S. Hirzel, 1864), 372–3, 377–79. In particular, he refused to confirm the city's claims to custody of the imperial relics and regalia, reportedly refusing to attend the annual public showing of these objects in 1487 when it coincided with a later stay. StAN, Rep. 52a, Handschriften, Nr. 31, fol. 1377.

[9] For an introduction to Nuremberg's relations to the imperial house in the sixteenth and seventeenth centuries, see Eugen Franz, *Nürnberg, Kaiser und Reich: Studien zur reichsstädtischen Aussenpolitik* (Munich: C.H. Beck, 1930).

[10] Fritz Schnelbögl, "Zwischen Zollern und Wittelsbachern," in Pfeiffer, *Nürnberg*, 120. I am grateful to Professor Lee Wandel for pointing out this distinction.

[11] During the last of his six visits, however, the emperor rewarded the songs of local children with pieces of gold and requested a repeat performance at which they were given cakes specially baked for them at his request. StAN, Rep. 52a, Handschriften, Nr. 31, fol. 1378 and Eugen Kusch, *Nürnberg. Lebensbild einer Stadt* (Nuremberg: Verlag Nürnberger Presse, 1958), 131–2.

[12] Karl Hegel, ed., *Die Chroniken der fränkischen Städte. Nürnberg*, vol. 5 (Leipzig: S. Hirzel, 1874), 564–65.

Great Hall after a day of racing and tilting in Market Square. On that occasion, Maximilian also fêted 240 patrician ladies at a meal in the Chamber of the Five; the total cost of the evening ran to more than 1000 gulden.[13] He also reportedly attended the induction of a young novice into the St. Clara convent. In his final visit of 1512, Maximilian successfully persuaded the Council to lift its temporary ban on races, jousts, and Carnival mummery, and a tournament in his honor was held in the center of the city.[14]

Given Maximilian's willingness to recognize existing privileges and to mingle with the city's patriciate more readily than his predecessor, it is perhaps not surprising that his portrait formed an important part of the iconographical scheme developed for Nuremberg's Great Hall. What is surprising, however, is that it was not commissioned until 1521, two years after the emperor's death, and thus could not have been intended to influence him personally. Instead, it cast Maximilian in an emblematic role. In the years following his death, Maximilian became a symbol in Nuremberg both of the ideal monarch and of the city's loyalty to his family. Assertions of this kind were particularly important given the city's physical and cultural distance from the court of Maximilian's grandson and successor, Charles V, and concurrent reliance on the emperor as a counterweight to the pretensions and political pressure of Nuremberg's princely neighbors, a contradiction that was to shape the city's foreign policy throughout the sixteenth and early seventeenth centuries.

The most prominent depiction of Maximilian in this guise, Albrecht Dürer's "Triumphal Carriage of Maximilian I" was a fresco for the north wall inside Nuremberg's Great Hall, part of an extensive renovation of city hall commissioned and approved by the Council in minute detail in 1520–21.[15] The emperor appears in full regalia, seated in a richly decorated carriage drawn by twelve prancing horses (Figs. 1 and 2).[16] He is accompanied by twenty-two female figures wearing

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[13] *Chroniken*, 5:732–33.

[14] StAN, Rep. 52a, Handschriften, Nr. 31, fol. 1664v. Cf. StAN, Rep. 60b, Ratsbücher, Nr. 9, fol. 268v–269r (3 Feb 1512).

[15] For a detailed description of this renovation, see Heidi E. Bate, "The Measures of Men: Virtue and the Arts in the Civic Imagery of Sixteenth-Century Nuremberg" (Ph.D. diss., University of California, Berkeley, 2000), 18–27 and throughout.

[16] Surviving pictorial evidence for the content of the fresco and its precursors is discussed in Matthias Mende, *Das alte Nürnberger Rathaus: Baugeschichte und Ausstattung des großen Saales und der Ratsstube* (Nuremberg: Stadt Nürnberg, Stadtgeschichtliche Museen, 1979), 224–45. Dürer's woodcut series, published in two editions in 1522 and 1523, respectively, provides the best surviving rendition of the image.

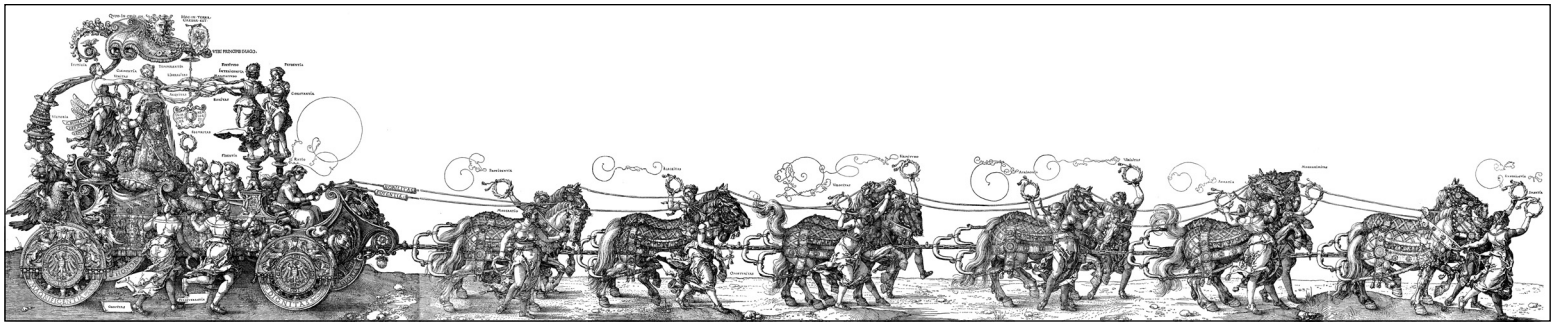

Fig. 1. Albrecht Dürer, The Triumphal Carriage of Maximilian I, 1522.

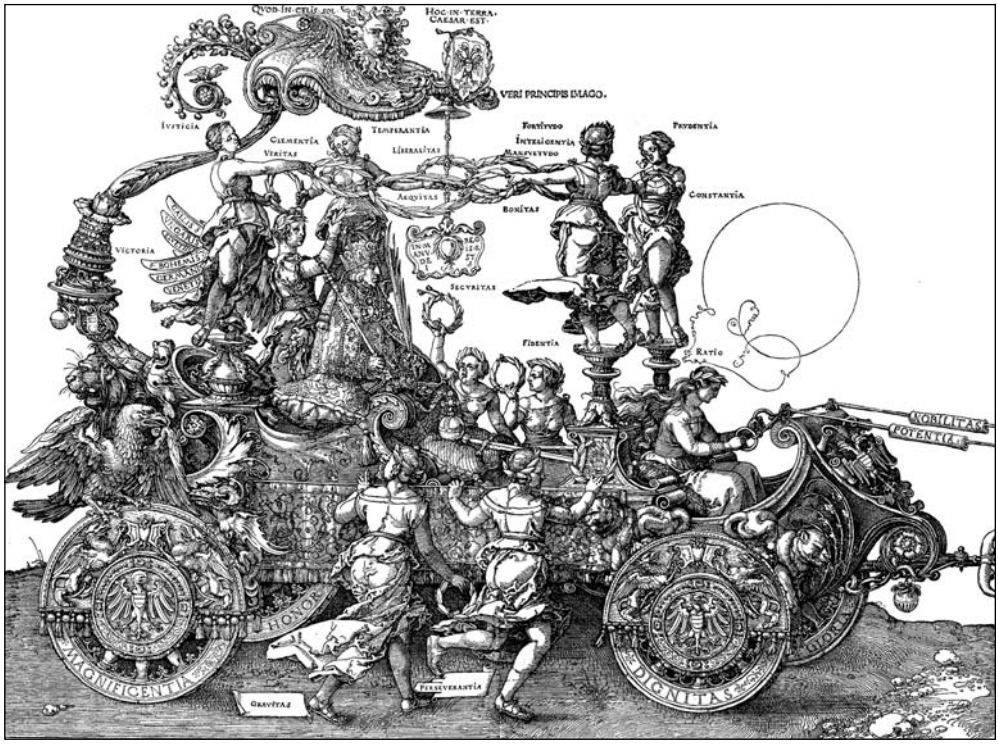

Fig. 2. Albrecht Dürer, The Triumphal Carriage of Maximilian I, 1522 (detail).

antique robes, crowned with wreaths of laurel, and carrying larger wreaths between them. Just beyond the lead horses are the beginnings of a triumphal arch through which the carriage will pass. Inscriptions included in the design identify each of the figures accompanying the emperor as the personification of a particular virtue. The five figures with Maximilian in the carriage are labeled Victory, Prudence, Fortitude, Temperance, and Justice. They hold between them larger laurel wreaths representing Generosity, Equity, Knowledge, Mildness, Steadfastness, and Integrity. Victory is shown crowning the emperor with the wreath of Truth. Walking beside the carriage are Dignity, Perseverance, Security, and Boldness; its wheels are marked Magnificence, Honor, Dignity, and Glory, and its reins, Nobility and Power, are in the hands of Reason. The dancing figures beside the twelve horses drawing the carriage are inscribed Moderation and Foresight, Opportunity and Eagerness, Speed and Strength, Keenness and Manliness, Courage and Magnanimity, and Ingenuity and Experience; they guide the horses and temper excess.

Unlike the illustrations accompanying contemporary reports of state ceremonies or regal and imperial entries, Dürer's design was not meant to capture a particular historical event. And while the image did portray Maximilian in a literal sense, the system of assigned meanings that it contained also posited a host of character traits appropriate to a worthy sovereign (without, of course, specifying the extent to which the emperor conformed to this ideal). Nevertheless, the suggestion of a positive correlation—whether from motives of sycophancy or praise—is arguably one of its more obvious readings.

Although the woodcut version of the "Triumphal Carriage" first published by the artist as a special edition in 1522 claims that Dürer "designed, drew, and printed" the image himself, its allegorical framework was, as often before, the work of his close friend Willibald Pirckheimer. Pirckheimer developed the scheme at Maximilian's request and composed an explication of it for the emperor that was to accompany and interpret Dürer's design.[17] This image formed an explicit link between Nuremberg's civic iconography and Maximilian's own conceptions of self-representation. An early version of the "Triumphal Carriage" was itself developed in cooperation with Maximilian I: Dürer was one of a number of artists from Nuremberg and elsewhere called upon to assist the emperor in the great imperial *Gedechtnus*, an extensive, multi-genre commemoration project extolling Maximilian and his dynasty.[18]

The fresco approved for the Great Hall by Nuremberg's Council was an encomium (albeit posthumous) that would have gladdened the emperor's heart. In fact, the "Triumphal Carriage" was meant to perpetuate

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[17] This document is transcribed in Mende, *Rathaus*, 118–20. For Maximilian's letters to Pirckheimer on the laurel wreath and the carriage for his triumph, see Moriz Thausing, "Die 'Laurea' zum Triumphzuge Kaiser Maximilians I. und zwei Gemälde von Hans von Kulmbach," *Jahrbücher für Kunstwissenschaft* 2 (1869): 181–82.

[18] The literary components of this project are comprehensively discussed in Jan-Dirk Müller, *Gedechtnus: Literatur und Hofgesellschaft um Maximilian I.* (Munich: Wilhelm Fink Verlag, 1982). On the artistic "Triumphs," see two works by Karl Giehlow: "Dürers Entwürfe für das Triumphrelief Kaiser Maximilians I. im Louvre. Eine Studie zur Entwicklungsgeschichte des Triumphzuges," *Jahrbuch der kunsthistorischen Sammlungen des allerhöchsten Kaiserhauses* 29 (1910/11): 14–84 and "Die Hieroglyphenkunde des Humanismus in der Allegorie der Renaissance besonders der Ehrenpforte Kaisers Maximilian I," *Jahrbuch der kunsthistorischen Sammlungen des allerhöchsten Kaiserhauses* 32 (1915): 1–232. Also Eduard Chmelarz, "Die Ehrenpforte des Kaisers Maximilian I. 36 Tafeln," *Jahrbuch der kunsthistorischen Sammlungen des allerhöchsten Kaiserhauses* 4 (1886): 289–319 and, more recently, Thomas Schauerte, *Die Ehrenpforte für Kaiser Maximilian I. Dürer und Altdorfer im Dienst des Herrschers* (Munich, Deutscher Kunstverlag, 2001). Dürer's involvement in the *Gedechtnus* is outlined in Erwin Panofsky, *The Life and Art of Albrecht Dürer*, 4th ed. (Princeton: Princeton University Press, 1971), 174–93.

a myth of harmony with the imperial house and to celebrate shared interests that waned after Maximilian's death. In Nuremberg's civic political iconography, Maximilian became that most convenient of things, an unimpeachable (and imperially approved!) symbol of the ideal ruler who could be venerated without fear of his testing municipal devotion with awkward demands. To understand why such a memorial would have seemed appropriate, and indeed necessary, we must consider the impact of religious issues on Nuremberg's relationship to the emperor and the advantages to be gained from venerating a deceased emperor rather than flattering a living one.

Nuremberg's relationship to the imperial house of Habsburg and the civic ritual associated with it underwent a series of changes following Maximilian's death in 1519 and the city's Reformation in 1525. The renovation of city hall coincided with a period of theological and liturgical change in Wittenberg and, shortly thereafter, in Nuremberg. Given the chronology of its commission and development, it is inappropriate to argue that either the form or the content of the "Triumphal Carriage" was determined by changes in religious belief in Nuremberg. Nevertheless, Nuremberg's adoption of religious reform profoundly shaped the urban culture of which the iconographical scheme for city hall was an important part. The symbolism incorporated in the Great Hall became linked to the experience of reform, and its long tenure there demonstrates that it retained its relevance despite changing circumstances. The use of visual artwork to shape and present Nuremberg's ongoing relationship with its imperial overlord under these conditions also came to be applied to more fluid expressions of the city's relationship to the empire, in particular, the civic ceremonial surrounding royal and imperial entries.

Contemporary chronicles record a number of imperial visits to Nuremberg in the course of the fifteenth and early sixteenth centuries.[19] Nuremberg's Council was careful to keep a record of these events, later known as the city's "coronation files" [*Krönungsakten*] after related material concerning the procedure for conveying the regalia to imperial

[19] Frederick III visited Nuremberg in 1442, 1444, 1471, 1474, 1485, and 1487; Maximilian I in 1474, 1489, 1491, 1500, 1501, and 1512; Charles V in 1541 and 1547 (twice), and his brother Ferdinand in 1521, 1523–24, 1526, 1540, 1542, 1543, 1544, 1545, and 1558. Maximilian II visited only twice, and his successors to Franz II never more than once. Schnelbögl, *Der Kaiser in Nürnberg*, 29–30.

coronations and guarding them while there.[20] Instructions for embassies delivering the crown and other items to a coronation were retained for future reference, as were memoranda concerning royal and imperial entries. These records assisted in the organization of subsequent visits. Although certain elements of the civic ritual associated with royal entries were of long standing, they came under review each time an occasion arose. In preparation for Maximilian's entry of 1512, for example, the Elders met to consider "how things shall be done regarding the reception, procession, and presentation of gifts" and agreed to record their conclusions, subsequently filing them "in a special drawer in the new vault."[21] As a result of these periodic reviews, civic ceremonial surrounding the presence of the emperor (or the king) within the city walls underwent a series of changes in the course of the fifteenth and sixteenth centuries.

The earliest surviving account of an imperial entry dates from 1414 and describes the events surrounding the city's reception of the emperor Sigmund.[22] However, detailed records on the protocol pertaining to imperial visits began to be kept in earnest during the reign of Frederick III, and the notes made on the occasion of his first visit clarify the details of late medieval receptions in Nuremberg.[23] On his approach to the city at the end of April 1442, three councilors rode to meet Frederick at St. Leonhard, located roughly thirty minutes away. This practice of meeting a royal visitor at some distance from the city (often the site of his last overnight stay) was known as the *Entgegenreiten* and remained an integral part of the ritual of entry. Additional members

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[20] Detailed narrative descriptions of each entry and short summaries of the changes in their structure and content are available in Albrecht Kircher, *Deutsche Kaiser in Nürnberg. Eine Studie zur Geschichte des öffentlichen Lebens der Reichsstadt Nürnberg von 1500–1612* (Nuremberg: Kommissions-Verlag die Egge, 1955), which makes excellent use of the available primary sources. I have been unable to obtain a copy of Renate Gold's more recent study, *Ehrenpforten, Baldachine, Feuerwerke. Nürnberger Herrscherempfänge vom 16. Jahrhundert bis zum Anfang des 18. Jahrhunderts* (Nuremberg: Hofmann, 1990). It is reviewed by Wiltrud Fischer-Pache in *MVGN* 79, 211–12. On the ceremonial aspects of medieval entries more generally, see Gordon Kipling, *Enter the King: Theatre, Liturgy, and Ritual in the Medieval Civic Triumph* (Oxford: Clarendon Press, 1998).

[21] StAN, Rep. 60b, Ratsbücher, Nr. 9, fol. 268v (3 Feb 1512). Unfortunately, the plan does not survive.

[22] "Rubrica de susceptione regis Romanorum in civitate Nurenbergensi A.D. 1414" and "Rubrica de suscepcione domine regine eodem anno," published in Karl Hegel, ed., *Die Chroniken der fränkischen Städte. Nürnberg*, vol. 3 (Leipzig: S. Hirzel, 1864), 343–48.

[23] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 1–19r, published in *Chroniken*, 3:354–88. See also Joseph Baader, "Friedrich III. Einritt in Nürnberg 1442," *Zeitschrift für deutsche Kulturgeschichte* 4 (1859): 696–724.

of the Council received the emperor at the city gates, where he was also met by a procession of regular and ordinary clergy led by their abbots, the parish priests, and two members of the Council. Schoolboys from the parish schools of St. Sebald and St. Lorenz participated in the procession for the first time in 1442 and sang as Frederick progressed toward the Church of St. Sebald. The procession paused across from the church of St. Jacob, just outside the precincts of the Teutonic Order of Knights, so that the king might dismount to venerate precious relics of St. Sebald, St. Cyprian, and the Holy Cross displayed on a table there. Frederick then continued on to the Church of St. Sebald, where he knelt before the altar and heard the collects for Good Friday. The service concluded with the *Te deum laudamus* after which Frederick rode to the castle, where he was again received by a Council delegation. The city's official welcome continued on the following day, when five councilors presented him with "two gilt cups on top of one another," i.e., a double goblet, containing one thousand gulden.[24] He was also shown the imperial relics and regalia, or *Heiltum*, at a Mass in the church of the Hospital of the Holy Ghost and in an extraordinary public showing also attended by the elector of Saxony and a number of ecclesiastical lords.[25]

Frederick's visit to the city contained a number of elements that remained standard components of ritual entries there: a greeting conveyed by a Council delegation at some distance from the city, a mounted welcome by a group of Nuremberg's Elders accompanied by additional riders roughly 1–2 kilometers from the city, a formal reception by members of the Council at the city gates and at St. Sebald, a procession of clergy and the viewing of relics on the way to St. Sebald in which the guest was invited to ride beneath a canopy borne by city councilors, a *Te deum* at St. Sebald, adjournment to the castle or other lodgings, and the presentation of gifts including a valuable goblet filled with coins. This comparatively elaborate ceremonial applied to an individual's "first" entries into Nuremberg: as regent, as king of the Romans, and

[24] The goblets alone cost the Council 155 gulden. Hans Petz, "Urkunden und Regesten aus dem königlichen Kreisarchiv zu Nürnberg," *Jahrbuch der kunsthistorischen Sammlungen des Allerhöchsten Kaiserhauses* 10 (1889): 20. *Chroniken*, 3:395–97 reproduces the list of gifts given during Frederick's visit.

[25] *Chroniken*, 3:366.

as emperor. Subsequent sojourns entailed some ceremonial features, but the scale of these attentions was more modest.[26]

Maximilian's entries into Nuremberg as king of the Romans (1489) and as emperor (1500) conformed to the guidelines established for "first" entries.[27] The latter was, however, the last performance of this late medieval program. It would be forty years before another king of the Romans (and forty-one before another emperor) made his first, ceremonial entry into the city, and the circumstances surrounding and shaping the event had by then undergone a series of radical changes. Paradoxically, the transformation of Nuremberg's rituals of regal and imperial entry began with the visit in 1521 of a man as yet in possession of neither office.

Eager to maintain its ties to an imperial power that seemed, increasingly, to be the city's best insurance against the aggression of its neighbors, Nuremberg emphasized its privileged position within the empire and particularly cherished its right to host the first imperial diet of each reign.[28] This privilege was an essential part of the city's image, and its loss (for whatever reason) was keenly felt. As a result, the removal of Charles V's first diet to Worms because of plague in Nuremberg came as a severe disappointment to the city's councilors. Anticipation of the event had provided some of the impetus for the renovation of city hall, and the (albeit temporary) setting aside of this important prerogative must have caused concern about the formation of a dangerous precedent.[29] In the wake of the canceled diet, then, the arrival

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[26] Exceptions were made when young heirs accompanied their fathers on later visits. In 1474, for example, Maximilian visited Nuremberg for the first time together with Frederick III. As a result, the Council arranged a procession in his honor as "three years ago for his father, except that the schoolboys did not carry banners." Frederick would not ordinarily have been met in this way a second time. Karl Hegel, ed., *Die Chroniken der fränkischen Städte. Nürnberg*, vol. 4 (Leipzig: S. Hirzel, 1872), 338.

[27] *Chroniken*, 5:623–24. See also StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 75r–79r.

[28] The delegation sent to Spain following Charles V's accession was specifically charged to obtain confirmation that the emperor's first diet would be held in Nuremberg. StAN, Rep. 52a, Handschriften, Nr. 31, fol. 1694v. Another embassy greeted him in Flanders with the same request. StAN, Rep. 60b, Ratsbücher, Nr. 10, fol. 290v (13 Jun 1520).

[29] Although it could not have been known at the time, Charles V's failure to hold his first diet in Nuremberg signaled the end of the tradition established in 1356; Maximilian I was the last emperor to uphold it. The final imperial diet of the old empire to be held in Nuremberg at all took place in 1543. Johann Christian Siebenkees, ed., *Materialien zur Nürnbergischen Geschichte*, vol. 2 (Nuremberg: A.G. Schneider, 1793), 718.

of the 17-year-old deputy Ferdinand was cause for celebration.[30] The Council determined to receive him "very properly and honorably" and the resulting festivities were unprecedentedly elaborate.[31] The young archduke was in fact greeted with far greater pomp than his crowned and consecrated predecessors.[32] Despite its distant location, the model to which the Council referred when planning this event was Charles V's triumphal entry into Antwerp. Dürer obtained an account of Charles's arrival there while visiting the Netherlands in 1520 and described it in his travel diary.[33] Because it was the harbinger of things to come, I will describe Ferdinand's entry in some detail.

On 3 August 1521, the bailiff of Nuremberg Hans von Obernitz, the knight Tilman von Brempt, and city councilors Jacob Muffel, Hans Ebner, and Niclas Haller rode out to meet Archduke Ferdinand together with 450 riders in various liveries, roughly 5000 foot soldiers, and 16 big guns.[34] Jacob Muffel greeted the archduke with a welcoming speech, while Hans Ebner provided him with a review of the troops (in French) to the accompaniment of artillery salvos in Ferdinand's honor. The foot soldiers returned to the city to line his route inside the walls, watched by onlookers standing at the windows of adjacent houses.[35] Decorative garlands were hung above the procession, and swinging from them was a black eagle holding the arms of the city and those of the eight Elders (senior magistrates that formed a powerful select committee on the Council).[36] The mounted contingent followed

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[30] Kircher, *Deutsche Kaiser*, 31.

[31] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 81r–96r. This, the official Council record of Ferdinand's entry composed by *Kriegsschreiber* Seyfrid Koler, has been published as Joseph Baader, "Des Erzherzogs Ferdinand Einreiten zu Nürnberg im Jahre 1521," *Anzeiger für Kunde der deutschen Vorzeit* N.F. 16 (1869): 93–102, 125–30, 157–64, which I will cite for ease of reference. Here, column 94.

[32] Baader, "Erzherzogs Einreiten," 102.

[33] Panofsky, *Life of Dürer*, 209. Hans Rupprich, ed., *Dürers Schriftlicher Nachlass*, vol. 1 (Berlin: Deutscher Verein für Kunstwissenschaft, 1956), 157–58. Dürer probably purchased a copy of the description published in Antwerp by Michiel Hillen.

[34] While some of the mounted men were mercenaries in Council employ, others were outfitted by wealthy burghers in honor of the archduke's visit. The foot soldiers consisted primarily of local craftsmen and their dependents, who borrowed armor and weapons from the municipal armory for the day of the entry. Koler's record of the event lists in the neighborhood of 100 crafts that were represented in this way. Baader, "Erzherzogs Einreiten," 97–98.

[35] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 94v and Baader, "Erzherzogs Einreiten," 160.

[36] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 87r and Baader, "Erzherzogs Einreiten," 100.

Ferdinand to the castle, where he was presented with a wagonload of wine in casks, four loads of oats, and six barrels of fish by Lienhard Groland and Christoph Tetzel on behalf of the Council. On the following day, Captains-General Hieronimus Ebner, Martin Geuder, and Caspar Nützel gave him a silver gilt ewer and two drinking cups worth just over 357 gulden.[37] The lords in his immediate entourage also received valuable gifts of gold and silver. In the course of his visit, the archduke attended services at the Churches of the Virgin and of St. Sebald. The Council also arranged tours of the municipal armory and the granaries, a showing of the imperial relics, and a dance at city hall for his amusement.[38] Ferdinand evidently enjoyed this dance, because he requested a second, which lasted far into the night. In response to his entreaty that they take this in good part, the councilors assured him that "he was himself lord and head of the house, therefore his grace might dance as long as he liked."[39] Upon his departure on 7 August, Ferdinand was escorted to the stone bridge at Doos (roughly ½ German mile from Nuremberg) by a small group of uniformed outriders and the same Council delegation that had met him on arrival.

Ferdinand's visit exhibited a number of new features: the *Entgegenreiten* had developed into a military review that included councilors, mercenaries, burghers, and craftsmen. The ceremonial entry was no longer primarily a matter for the clergy and the patriciate, but encompassed a much larger portion of the population.[40] The numbers of burghers asked to participate in royal entries steadily increased; by 1541, more than a few were willing to underwrite the expenses of fine livery in a style prescribed by the Council and of outfitting other riders to participate in the event. These men rode out under the command of

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[37] StAN, Rep. 52b, Amts- und Standbücher, Nr. 316, fol. 8v. Two of the three captains-general also served as the city's treasurers [*Losunger*], the senior of whom was Nuremberg's highest-ranking public official.

[38] StAN, Rep. 60b, Ratsbücher, Nr. 12, fol. 19v.

[39] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 95v and Baader, "Erzherzogs Einreiten," 162.

[40] While religious concerns did affect rituals of entry, they cannot account for the omission of a procession in this case. Ferdinand's rank did not entitle him to the traditional procession from the gates to St. Sebald at this time. Reception by the city's clergy arrayed in liturgical vestments and presenting its holiest relics was a gesture reserved for anointed rulers, whose consecration made them members of the clerical estate. Alois Niederstätter, "Königseinritt und -gastung in der spätmittelalterlichen Reichsstadt," in *Feste und Feiern im Mittelalter: Paderborner Symposion des Mediävistenverbandes*, ed. Detlef Altenburg, Jörg Jarnut, and Hans-Hugo Steinhoff (Sigmaringen: Jan Thorbecke Verlag, 1991), 494.

Augustin Dichtel, "and the names of the burghers and merchants [who participated as] riders or on foot were read out before the honorable Council, so that the honorable Council might take note of those who had served."[41] Artillery salvos, too, were introduced in 1521 to heighten the impressiveness of the event. Gifts of wine, fish, and oats are mentioned for the first time;[42] the city was decorated with garlands in the streets; and the mechanical clock at the Church of the Virgin was set in motion as the archduke passed.[43]

Although Lutheran influence came early to Nuremberg, ritual forms did not change immediately. Despite increasing religious tensions, there was some effort to retain the sacral dimension of ceremonial entry. Cardinal Cajetan was met by a procession of clergy in February of 1519, and Charles V would almost certainly have received a similar welcome had the imperial diet of 1521 been held in Nuremberg.[44] As late as 1541, preparations were made in St. Sebald on the assumption that Charles would consent to visit the church. Three chairs were upholstered in black velvet and covered by a canopy in the choir; the imperial crown, scepter, and sword were placed on the high altar, and fifty choirboys were clothed in livery and given gold candles to carry at Council expense. The magistrates instructed the clergy to wear elaborate vestments and warned preachers "to refrain from giving offense from the pulpit;" neither they nor anyone else was to write or publish polemical tracts.[45] Plans were scrapped, however, when Giovanni Poggio, the papal nuncio at court, required that the Mass and other rites be held at St. Sebald in accordance with the now contested practice of the Catholic church before the emperor would attend services there.[46] Bernardo Sanzio, Bishop of Aquila and assistant to papal representative

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[41] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 178r. Eucharius Ulrich's register of those assisting in the reception is published in Kircher, *Deutsche Kaiser*, 177–81.

[42] Similar presents may, however, already have been given earlier. Strasbourg, for example, gave gifts in kind as early as 1400, when donations of wine, fish, oats, and oxen were first mentioned. Hermann Ludwig, *Straßburger Kaiserbuch. Deutsche Kaiser und Könige in Straßburg* (Strasbourg: [Verein für Geschichte der Westmark], 1889), 151.

[43] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 87v and Baader, "Erzherzogs Einreiten," 100.

[44] StAN, Rep. 52a, Handschriften, Nr. 31, fol. 1691r–1691v. Kircher, *Deutsche Kaiser*, 30.

[45] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 139v.

[46] The 45 gulden invested in preparing the church were spent in vain. StAN, Rep. 44a, Losungsamt Akten, S. I, L. 134, Nr. 17. For references to the nuntio's account of the matter, see Kircher, *Deutsche Kaiser*, 55, n. 42.

Lorenzo Campeggio reported to Rome that "this city earnestly desired the presence of His Majesty, but only obtained it with difficulty, because it is more seriously infected [with Lutheranism] than any other city in Germany."[47] The desire to avoid Roman Catholic associations in civic ritual is also evident in the preparations for Maximilian II's ceremonial entry in June of 1570. The original plan to line his route with cut trees was rejected because "it would have resembled an anniversary celebration for the consecration of a church and a papist procession."[48]

Following the failure, in 1532, of attempts to coax Charles V to pass through Nuremberg, a visit from Ferdinand once again prompted the continued development of Nuremberg's civic ceremonial.[49] He entered Nuremberg as king of the Romans for the first time in 1540 as he made his way to the Netherlands to meet his brother.[50] In December of 1539, the Council deputed Hans Ebner and Clement Volckamer to write a proposal specifying details of the *Entgegenreiten*, the reception, and giftgiving on this occasion, and they submitted an extensive, 22-point plan that was discussed in Council on 3 January 1540.[51] For the first time, the traditional religious procession and the table of relics central to the late medieval form of ceremonial entry were deliberately

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[47] Letter of Bernardo Sanzio to Alessandro Farnese (18 Feb 1541) in Ludwig Cardauns, ed., *Gesandtschaft Campegios. Nuntiaturen Morones und Poggios (1540–1541)*, vol. 6 of *Nuntiaturberichte aus Deutschland 1533–1559 nebst ergänzenden Aktenstücken*, ed. Walter Friedensburg (Berlin: A. Bath, 1910), 141. Campeggio himself had refused to enter St. Sebald in 1524.

[48] Rep. 67, Krönungsakten, Nr. 7, fol. 11.

[49] It was an awkward time for Nuremberg with regard to an imperial visit: the Provost of St. Sebald, Georg Peßler, had fallen under the papal bann, and the emperor was extremely concerned about religious developments. Dr. Matthias Held informed the Nuremberg delegation who presented the city's invitation at Schwabach that His Majesty chose not to pass through Nuremberg on account of certain "innovations" and the city's failure to enforce imperial edicts on religious issues. The Council could, however, console itself with the emperor's assurance that the city's political loyalty was not in doubt. StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 109r. Delegates Christoph Kress, Clemens Volckamer, and Hieronymus Paumgartner assured the emperor that the city "looked, after God, to no one but him for comfort, protection, and support." Kircher, *Deutsche Kaiser*, 40–41 citing a report by Christoph Kress, E-Laden, L. 117, Nr. 94. They also presented him with an ornate goblet containing 2000 gulden. StAN, Rep. 52b, Amts- und Standbücher, Nr. 316, fol. 9v.

[50] Due to his change in status, this event was much more elaborate than Ferdinand's earlier appearances at the imperial diet in 1523–24 and 1526.

[51] StAN, Rep. 60a, Ratsverlässe, Nr. 911, fol. 18r–18v (3 Jan 1540). The councilors' proposal for the entry may be found in StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 125r–129v (21 December 1539).

omitted from the proceedings.[52] The captains-general instead suggested instead that "Italianate garlands of leafy boughs with the imperial and royal arms together with some decorative captions and titles [be] put up in Market Square, on the street corners, and in the streets."[53] Initial plans called for the decoration of the choir of St. Sebald with tapestries and other wall hangings, a special seat for the king, and the imperial scepter, orb, and sword of Charlemagne on the altar, but Ferdinand flatly refused to enter the church, so the civic musicians were enlisted to play from city hall as he passed through the Salt Market.[54] For the eve of the royal departure (8 February), the Council planned another unusual event: a fireworks display that could be seen from the king's apartments in the fastness above the city. Experts set up the display on an unfinished section of the battlements [*Bastei*] near the Tiergärtnertor, but the spectacle fell short of expectation: many of the charges failed to fire; others exploded prematurely. Neverthless, the idea survived, and increasingly elaborate fireworks were incorporated into the entries of Charles V (1541) and Maximilian II (1570), to great acclaim.[55] The elaborate display of 1541 included two wooden structures referred to as "palaces," filled with brushwood and connected with fuses. After several rounds of cannon fire, the "palaces" were set alight in a show that lasted roughly two hours.[56] One final novelty in the entry of 1540

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[52] Suggestions that this constituted a "secularization of public life" (Kircher, *Deutsche Kaiser*, 48) can be misleading. Certainly, some religious and liturgical forms were found to be incompatible with new conceptions of the relationship between city and empire, but other practices (as, for example, public prayer for the emperor, the Council, and the community as a whole) retained their importance in civic life.

[53] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 127v. The Council ordered five such "festyia oder triumph" designed by Georg Römer from Sebald Beck and Georg Pencz to be hung in the streets. They were to be treated with care so that they could be re-used. StAN, Rep. 60b, Ratsbücher, Nr. 20, fol. 211. See also StAN, Rep. 58, Karten und Pläne, Nr. 1739/1.

[54] On these and other preparations, see StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 114r–118r and StAN, Rep. 60a, Ratsverlässe, Nr. 912, fol. 30v (5 Feb 1540) and 34r–34v (7 Feb 1540). It seems clear that the king refused on religious grounds. Contemporary speculation also attributed his behavior to the fact that church was Lutheran. Cf. StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 120v; also StAN, Rep. 52a, Handschriften, Nr. 148, fol. 278.

[55] Jost Amman's engraving of Nuremberg beneath the fireworks display for Maximilian II is reproduced in Gerhard Pfeiffer and Wilhelm Schwemmer, eds., *Geschichte Nürnbergs in Bilddokumenten* (Munich: Verlag C.H. Beck, 1977), Nr. 25.

[56] The scene is depicted in StAN, Rep. 44a, Losungsamt Akten, S. I, L. 134, Nr. 19, fol. 53v–54r (reproduced in Kircher, *Deutsche Kaiser*, XI–XII) and described—with onomatopoetic vigor—in Hans Sachs, "Kayserlicher mayestat Caroli der V einreyten zu Nürnberg in des heyligen reichs stat, den xvi tag Februarii deß 1541 jars" (10 Mar 1541). Adelbert von Keller and Edmund Goetze, eds., *Hans Sachs Werke*, 29 vols.

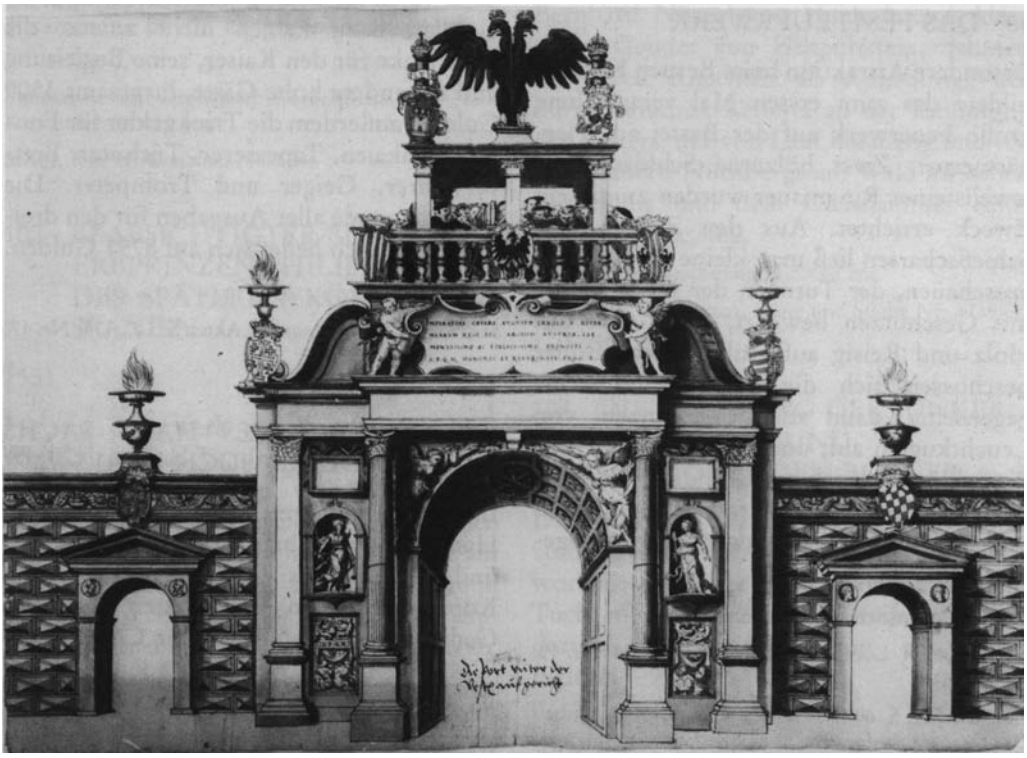

Fig. 3. [Georg Pencz], Triumphal Arch in Honor of Charles V, 1541. Staatsarchiv Nürnberg, Reichsstadt Nürnberg, Losungsamt-Akten, S. I, L. 134, Nr. 19, fol. 52, used with permission.

was the performance of a Carnival sword dance, which Ferdinand unfortunately missed because of his hasty departure on 9 February. The form of Nuremberg's entry ceremonial, an amalgamation of unobjectionable medieval traditions and innovations introduced in 1521 and 1540, remained essentially the same for subsequent royal and imperial entries, with the exception of one monumental addition in the following year.

From Charles V's first entry in 1541, emperors and kings also passed through a giant triumphal arch set up across the Burgstrasse along

(Tübingen: Litterarischer Verein in Stuttgart, 1870–1908), 2:391. A second scheme of fireworks for an anticipated visit of Crown Prince Philipp of 1551 is catalogued as StAN, Rep. 44a, Losungsamt Akten, S. I, L. 134, Nr. 21.

which they traveled to reach the castle within the city walls.[57] The arch was not a permanent architectural monument, but a temporary edifice of wood, plaster, and paint that was designed and constructed for purposes of occasional display.[58] It consisted of a large central arch and two smaller arches at either side and is recorded in a drawing attributed to Georg Pencz (Fig. 3). An enlarged replica of the collar of the Order of the Golden Fleece appeared over the central arch, which was further decorated with personifications of the cardinal virtues prudence, temperance, fortitude, and justice;[59] it also supported a platform for the city musicians and other instrumentalists. According to contemporary accounts, however, the most remarkable aspect of the arch was the large bronze eagle perched at its apex. A mechanical framework supported this giant bird and enabled it to turn 180° while nodding and flapping its wings. By these means, it seemed attuned to the emperor, bowing as he approached the arch and turning to watch him continue on to the castle gates when he had passed beneath it, a spectacle that "amazed the Spaniards."[60]

Like the ceremonial entry itself, the arch was a combination of long-standing classical traditions and Christian ideology in medieval European civic ritual.[61] Triumphs, whether victorious processions or public monuments commemorating individual leaders, were both historically

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[57] For more detailed discussion of Charles V's entry into Nuremberg in 1541, see Arthur Groos, "The City as Text: The Entry of Charles V into Nuremberg (1541)," in *The Construction of Textual Authority in German Literature of the Medieval and Early Modern Periods*, ed. James F. Poag and Claire Baldwin (Chapel Hill: University of North Carolina Press, 2001), 135–56.

[58] Keller, *Hans Sachs Werke*, 2:382. Cf. Waldau, *Vermischte Beiträge*, 1:327. The arch is depicted in StAN, Rep. 44a, Losungsamt Akten, S. I, L. 134, Nr. 19, fol. 52, published in Günther Schuhmann, ed., *Nürnberg—Kaiser und Reich* (Nuremberg: Verlagsdruckerei Schmidt, 1986), 123.

[59] Waldau, *Vermischte Beyträge*, 1:327.

[60] Keller, *Hans Sachs Werke*, 2:389. It was a conceit that remained a part of subsequent rituals of entry, repeated, for example, on the arch set up for Emperor Matthias in 1612. StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 150r.

[61] The triumphal forms of antiquity were familiar to fifteenth- and sixteenth-century urbanites. Stephan Fridolin, for example, defined a Roman triumph in his "Buch von den Kaiserangesichten." Paul Joachimsohn, "Hans Tuchers Buch von den Kaiserangesichten," *MVGN* 11 (1895): 55–56. On the classical origins and Christian co-optation of this ceremonial, see Winfried Dotzauer, "Die Ankunft des Herrschers. Der fürstliche 'Einzug' in die Stadt (bis zum Ende des Alten Reiches)," *Archiv für Kulturgeschichte* 55 (1973), 245–88 and Hans Conrad Peyer, "Der Empfang des Königs im mittelalterlichen Zürich," in Hans Conrad Peyer, *Könige, Stadt und Kapital. Aufsätze zur Wirtschafts- und Sozialgeschichte des Mittelalters*, ed. Ludwig Schmugge, Roger Sablonier, and Konrad Wanner (Zurich: Verlag Neue Zürcher Zeitung, 1982), 53–68.

and iconographically linked: historically, in classical celebrations of victory, the precursors of medieval *joyeuses entrées*, and iconographically in northern European woodcut series, in the arches constructed for imperial entries, and in occasional artworks like Dürer's "Triumphal Carriage".[62] Among the most elaborate of these antecedents was a monumental "Arch of Honor," a woodcut ensemble commissioned by Maximilian I as part of his *Gedechtnus* project and produced between 1512 and 1517.[63] Though based on initial designs by court artist Jörg Kölderer, the "Arch of Honor" was a collaborative effort, and one with strong ties to Nuremberg: its 174 woodcuts were produced in Dürer's workshop. The iconography of this enormous paper arch was explicitly derived from an ancient heritage: court historian Johann Stabius wrote that it was "constructed after the model of the ancient triumphal arches of the Roman emperors of the city of Rome."[64] The classical imagery of Dürer's "Triumphal Carriage" for city hall was entirely in keeping with this growing emphasis on elements derived (at least in part) from the triumphal celebrations of ancient Rome. In Nuremberg, these innovations are particularly striking, as they coincided with the abolition of a longstanding religious ritual that had strong imperial associations, namely, the century-old ceremony of the *Heiltumsweisung*. This annual showing of the imperial relics and regalia and proclamation of the indulgences associated with them, was performed for the last time in 1523. In keeping with Lutheran convictions about the sufficiency of Christ and the consequent inefficacy of religious observances based on the system of saints, Nuremberg's councilors terminated the annual showing as well as the festivals of Sts. Sebald and Deocar.[65]

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[62] Such paper (or wood and canvas) triumphs took the place of massive stone monuments in northern Europe. On their logic and application in the imperial cause, see Larry Silver, "Paper Pageants: The Triumphs of Emperor Maximilian I," in *'All the world's a stage…': Art and Pageantry in the Renaissance and Baroque*, ed. Barbara Wisch and Susan Scott Munshower (University Park, Pennsylvania: Department of Art History, The Pennsylvania State University, 1990), 292–331 and "Prints for a Prince: Maximilian, Nuremberg, and the Woodcut," in *New Perspectives on the Art of Renaissance Nuremberg: Five Essays*, ed. Jeffrey Chipps Smith (Austin, TX: The Archer M. Huntington Art Gallery, 1985), 6–21.

[63] Peter Strieder, "Zur Entstehungsgeschichte von Dürers Ehrenpforte für Kaiser Maximilian," *Anzeiger des Germanischen Nationalmuseums* (1954–59): 129. See also footnote 18 above. I am grateful to Professor Elaine Tennant for this and other helpful comments.

[64] Silver, "Paper Pageants," 293.

[65] For details of the *Heiltumsweisung*, see Bate, "The Measures of Men," 229–38.

Beginning in 1521, decorative artworks and colorful entertainment replaced religious elements in civic rituals of entry: rather than viewing relics and festal vestments in St. Sebald, royal and imperial visitors were welcomed with garlands, banners, painted tablets, and coats of arms; fêted with fireworks and dancing; and showered with gifts of wine, silver-gilt ewers and freshly minted coins. Hans Sachs described the ten "festona or triumphs hung across the streets" in 1541.[66] Paulus Grundherr and Mathias Löffelholz commissioned in the neighborhood of thirty painters and sculptors, who "worked day and night" on the decorations for Charles's entry in 1541.[67] Here again, the Council associated itself with the emperor by artistic means: the arms of the city and its Elders were painted alongside the imperial eagle in the decorations on the hanging garlands.[68]

In the decades following the death of Emperor Maximilian I, disagreement with the Catholic house of Habsburg over religious issues, combined with dependence upon the emperor for protection from rapacious neighbors (particularly the margraves of Brandenburg, whose shared commitment to Protestantism was not sufficient to create a permanent peace between the two states) and an unwillingness to lose its special status within the Holy Roman Empire shaped much of Nuremberg's political reality. The central problem facing Nuremberg's Council in this regard therefore became the development of new idioms in which to affirm its obedience to the emperor without drawing attention to their fundamental disagreement on religious issues.[69] The city's solutions to this problem included a growing emphasis on works of art with classical connotations—particularly in the context of city hall, its pre-eminent public building—and on artistic and mechanical ingenuity as expressed in the spectacles and decorative devices of civic ceremonial. Together,

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[66] Keller, *Hans Sachs Werke*, 2:381–82. Cf. Georg Ernst Waldau, ed., *Vermischte Beyträge zur Geschichte der Stadt Nürnberg*, vol. 1 (Nuremberg: G.E. Waldau, 1786), 322.

[67] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 135r–135v. This more than doubled the number of artists who had been employed for similar purposes in 1540. At that time, twelve men had worked for six weeks to prepare the artistic elements of the royal entry. StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 117r.

[68] StAN, Rep. 67, Krönungsakten, Nr. 1, fol. 87r and Baader, "Erzherzogs Einreiten," 100.

[69] This is not to say that the imperial monarchy lost its religious significance entirely. The city continued to regard the emperor as its divinely instituted sovereign. The acknowledgment of this relationship, however, could no longer occur in traditional religious forms repudiated by the Protestant commune.

these innovations marked a departure from traditional symbolic forms of interaction between city and empire. As such, they enrich our understanding of the challenges facing free cities like Nuremberg in the transition from a late medieval Holy Roman Empire to a confessionalized early modern Europe.

‚HOHE SCHULE' ODER UNIVERSITÄT?

ZUR PFARRERAUSBILDUNG IN BERN IM 16. JAHRHUNDERT

Beat Immenhauser

Am 14. August 1585 wandte sich der Berner Rat an den pfälzischen Kurfürsten Johann Kasimir, um die Aufnahme von Studenten in die Heidelberger Sapienz zu erwirken: *Wir habenn bißhar etliche Studiosen, so zu unseren Kilchenn und Schuldiensten erzogen und befürderet werden söllend, wan sy alhie in unser schul der sprachen und fryen künsten ettwas verstandts ergriffen, demnach in etliche verrümpte Tütsche Academien verschafft, daselbst uff wythere progression und ein zytlang studieren lassen* …[1]. In diesen wenigen Zeilen wird das höhere Bildungswesens für die intellektuelle Elite im bernischen Staatswesen, das Pfarr- und Lehrpersonal, skizziert. Einige Absolventen der Hohen Schule, die dort die alten Sprachen und die Grundzüge des artistischen Curriculums erlernt hatten, wurden an ausländische Universitäten geschickt, gleichsam zur Weiterbildung. An der Hohen Schule in Bern erhielten die künftigen Pfarrer und Lehrpersonen ihre Hauptausbildung, das weitere Studium auf universitärem Niveau war einer als geeignet erachteten Gruppe von Studenten vorbehalten. Zuständig für den Bildungserwerb war nicht mehr jeder einzelne Studierwillige, sondern letztlich der Rat, da gerade die Pfarrgeistlichkeit in der nachreformatorischen Zeit des 16. Jahrhunderts einer intensiven obrigkeitlichen Lenkung und Kontrolle unterlag. Es ging nicht nur um die orthodoxe Verkündigung des Wort Gottes, sondern um die obrigkeitliche Präsenz in der Gestalt der Pfarrer oder Schulmeister in den Dörfern und Landstädten des grössten Territoriums nördlich der Alpen[2]. Religion und Politik näherten sich so stark an, dass das eine

[1] Das Original befindet sich im Staatsarchiv des Kantons Bern, Missivenbuch LL, pag. 673 (Sign. A III 38); abgedruckt in Friedrich Trechsel, Die Familie Rebmann (Ampelander). Sittenzüge und Culturbilder aus dem Leben des 16. Jahrhunderts, in: Berner Taschenbuch auf das Jahr 1883, Bern 1883, S. 53–124, hier S. 106.

[2] Vgl. hierzu nun Lorenz Heiligensetzer, Die Berner Pfarrgeistlichkeit, in: Berns mächtige Zeit. Das 16. und 17. Jahrhundert neu entdeckt, hg. von André Holenstein, Bern 2006, S. 201–205.

immer auch Aspekte des anderen beinhaltete – „Protestant Politics" (Thomas A. Brady) eben[3].

Mit der Ausbildung der Pfarrer wird eine Thematik angesprochen, welche sowohl die katholisch wie auch die evangelisch ausgerichtete Forschung seit längerem beschäftigt und in jüngerer Zeit gar noch stärker beachtet wird. Für die Frühe Neuzeit interessieren dabei vor allem Fragen nach dem konfessionalisierten Bildungserwerb, nach dem Zusammenhang zwischen Ausbildung und Praxis sowie nach den Verbindungen und Beziehungsgeflechten künftiger Prediger als Studenten in der Heimat und im Ausland[4]. Zur bernischen Pfarrerschaft erschienen seit dem 19. Jahrhundert Studien[5], ihre Ausbildung wurde bislang für das 16. Jahrhundert noch nicht umfassend untersucht[6]. Der vorliegende

[3] Thomas A. Brady, Protestant Politics: Jacob Sturm (1489–1553) and the German Reformation (Studies in German Histories), New Jersey 1995. Für Bern vgl. dazu Heinrich R. Schmidt, Macht und Reformation in Bern, in: Berns mächtige Zeit (Anm. 2), S. 15–28, mit weiterführender Literatur; André Holenstein, Reformierte Konfessionalisierung und bernischer Territorialstaat, in: Territoralstaat und Calvinismus, hg. von Meinrad Schaab (Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, Reihe B 127), Stuttgart 1993, S. 5–33.

[4] Vgl. hierzu besonders Herman J. Selderhuis, Predigerausbildung in den Niederlanden. Kurzbericht zum gegenwärtigen Stand und zu weiteren Perspektiven der Forschung, in: Heinz Schilling und Stefan Ehrenpreis (Hgg.): Erziehung und Schulwesen zwischen Konfessionalisierung und Säkularisierung. Forschungsperspektiven, europäische Fallbeispiele und Hilfsmittel, Münster 2003, S. 175–185, mit einem Überblick über den Forschungsstand S. 182–185. Ferner seien an Stelle vieler erwähnt: Luise Schorn-Schütte, Evangelische Geistlichkeit in der Frühneuzeit: Deren Anteil an der Entfaltung frühmoderner Staatlichkeit und Gesellschaft, dargestellt am Beispiel des Fürstentums Braunschweig-Wolfenbüttel, der Landgrafschaft Hessen-Kassel und der Stadt Braunschweig (Quellen und Forschungen zur Reformationsgeschichte 62), Gütersloh 1996; Karin Maag, Seminary or University? The Genevan Academy and reformed higher education, 1560–1620 (St Andrews Studies in Reformation History), Aldershot 1995; Albert Fischer, Reformatio und Restitutio. Das Bistum Chur im Zeitalter der tridentinischen Glaubenserneuerung. Zugleich ein Beitrag zur Geschichte der Priesterausbildung und Pastoralreform (1601–1661), Zürich 2000.

[5] Zu den bernischen Pfarrern vgl. die – nicht fehlerfreie, aber bisher nicht ersetzte – Zusammenstellung von Carl Friedrich Ludwig Lohner, Die reformirten Kirchen und ihre Vorsteher im eidgenössischen Freistaate Bern, nebst den vormaligen Klöstern, Thun 1868; für den Aargau Willy Pfister, Die Prädikanten des bernischen Aargaus im 16.–18. Jahrhundert: 1528–1798 (Quellen und Studien zur Geschichte der helvetischen Kirche 11), Zürich 1943; ders., Die reformierten Pfarrer im Aargau seit der Reformation 1528–1985, in: Argovia 97, 1985, S. 5–270. Zur Berner Pfarrerschaft allgemein vor allem Kurt Guggisberg, Bernische Kirchengeschichte, Bern 1958, S. 261–217; ders., Der Pfarrer in der bernischen Staatskirche. Eine historische Skizze (Archiv des historischen Vereins der Kantons Bern 42), Bern 1953, S. 172–234; jüngst, mit weiterführender Literatur, Heiligensetzer (Anm. 2).

[6] Zur bernischen Bildungsgeschichte des 16. Jahrhunderts vgl. vor allem Urs Martin Zahnd, Lateinschule – Universität – Prophezey. Zu den Wandlungen im Schulwesen

Beitrag kann diese Lücke nicht schliessen, sondern fokussiert auf den Aspekt des Bildungserwerbs der Pfarrgeistlichkeit und der Lehrpersonen – die Lateinschulmeister sind hier immer mit einzuschliessen, da sie im Prinzip die gleichen Bildungswege absolvierten wie die Prädikanten. Insbesondere wird der Frage nachgegangen, welchen Stellenwert der Universitätsbesuch nach der Gründung der Berner Hohen Schule 1528 noch hatte, welche Universitäten in welchem Ausmass aufgesucht wurden, wie sich die konfessionalisierte Bildungslandschaft auf das akademische Studium der bernischen Kandidaten auswirkte und welchen Nutzen sie für ihr späteres professionales Fortkommen aus einer Bildungsreise ziehen konnten.

Um den Stellenwert der Hohen Schule Berns zu verdeutlichen, wird das Augenmerk zunächst auf die Ausbildung des Klerus in vorreformatorischer Zeit im südwestdeutschen Raum des Alten Reichs gelenkt, als der Zusammenhang zwischen akademischem Studium und Pfründenerwerb noch ungebrochen war und die Universitäten noch nicht durch diesen neuen Schultypus wie die reformierten Hohen Schulen konkurriert wurden. Dabei sind für die Klerikerbildung im 15. und beginnenden 16. Jahrhundert drei Ebenen zu unterschieden: Eine normative, eine ideale und eine reale, wobei die erste mit der dritten gelegentlich, mit der zweiten selten übereinstimmte.

Die Pfarrerbildung vor der Reformation

Legere, Cantare, Exponere, Sententiare, Declinare, Construere, in Generalibus curae et practice. Mit dieser Formel wurde um 1500 das Basiswissen der Kandidaten für die Priesterweihe an der bischöflichen Kurie von Konstanz

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eidgenössischer Städte in der ersten Hälfte des 16. Jahrhunderts, in: Bildungs- und schulgeschichtliche Studien zu Spätmittelalter, Reformation und konfessionellem Zeitalter, hg. von Harald Dickerhof (Wissensliteratur im Mittelalter 19), Wiesbaden 1994, S. 91–116; für das 17. Jahrhundert Barbara Braun-Bucher, Der Berner Schultheiss Samuel Frisching (1605–1683). Schrifttum, Bildung, Verfassung und Politik des 17. Jahrhunderts auf Grund einer Biographie (Schriften der Berner Burgerbibliothek), Bern 1991; dies., Die Hohe Schule in Bern, in: Berns mächtige Zeit (Anm. 2), S. 274–280. Ferner Ulrich Im Hof, Die reformierte hohe Schule zu Bern. Vom Gründungsjahr 1528 bis in die zweite Hälfte des 16. Jahrhunderts, in: 450 Jahre Berner Reformation. Beiträge zur Geschichte der Berner Reformation und zu Niklaus Manuel, hg. vom Historische Verein des Kantons Bern, Bern, 1980, S. 194–224; Beat Immenhauser, Die Schule im Dienste der Konfession: Lateinschulen in Stadt und Land, in: Berns mächtige Zeit (Anm. 2), S. 222–227.

umschrieben[7]. Es umfaßte damit nur relativ bescheidene Kenntnisse, also die Lesefähigkeit an sich, das Singen, das Auslegen der Bibeltexte, dann rudimentäres Beherrschen der lateinischen Sprache sowie das Verständnis der Grundsätze der Seelsorge und deren praktische Anwendung, das Erkennen von Sünden und Nicht-Sünden, die Buss- und Sakramentslehre sowie den Ablauf des Kirchenjahres mit den Festen oder Kalenderberechnungen. Der eigens für die Klerikerexamina angestellte Prüfungsmeister überprüfte vor allem die praktische Tauglichkeit eines Seelsorgekandidaten, ob er in den Gemeinden seine Aufgaben wahrnehmen konnte – akademisch-theologisches Wissen wurde hingegen nicht verlangt[8]. Generelle Anforderungen an künftige Träger der höheren Weihen enthielten zudem das *Decretum Gratiani* und die Dekretalen, die die ehrliche Abstammung, die körperliche Unversehrtheit, das Mindestalter von 21 Jahren sowie ebenfalls Kenntnisse der Sakramente und in der Schriftauslegung enthielten[9]. Die kurative Tätigkeit des Pfarrerstandes war von der normativen Seite jedenfalls nicht zwingend an ein Universitätsstudium gebunden. Das notwendige Wissen, insbesondere in der lateinischen Sprache, liess sich auch an einer Lateinschule, die im Südwesten des Alten Reiches um 1500 in vielen Städten existierten, oder auch bei einem Pfarrer in einer Art Lehre aneignen[10].

Dieser normativen Ebene stand ein Reformdiskurs über die Bildung des Klerus im 15. Jahrhundert gegenüber: Im Umfeld der Generalkonzi-

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[7] Zitiert nach Paul Staerkle, Beiträge zur spätmittelalterlichen Bildungsgeschichte St. Gallens (Mitteilungen zur vaterländischen Geschichte, Bd. 40), St. Gallen 1939, S. 141. Vgl. auch Friedrich Wilhelm Oediger, Über die Bildung der Geistlichkeit im späten Mittelalter (Studien und Texte zur Geistesgeschichte des Mittelalters 2), Leiden/Köln 1953, S. 87.

[8] Hierzu Staerkle (Anm. 7), S. 142f.

[9] Vgl. dazu ausführlich Oediger (Anm. 7), S. 80–97, mit Verweisen auf die Rechtstexte.

[10] Zu den Lateinschulen an Stelle vieler: Thomas Schulz, Zur Rolle und Bedeutung der Lateinschulen im frühneuzeitlichen Bildungswesen: das Beispiel Württemberg, in: Regionale Aspekte des frühen Schulwesens, hg. von Ulrich Andermann et al. (Kraichtaler Kolloquien 2), Tübingen 2000, S. 107–135; Zahnd (Anm. 6); ders., Chordienst und Schule in eidgenössischen Städten des Spätmittelalters. Eine Untersuchung auf Grund der Verhältnisse in Bern, Freiburg, Luzern und Solothurn, in: Schule und Schüler im Mittelalter. Beiträge zur europäischen Bildungsgeschichte des 9. bis 15. Jahrhunderts, hg. von Martin Kintzinger, Sönke Lorenz und Michael Walter (Beihefte zum Archiv für Kulturgeschichte 42), Köln/Weimar/Wien 1996, S. 259–297; Heinz Scheible, Die Reform von Schulen und Universitäten in der Reformationszeit, in: Lutherjahrbuch 66, 1999, S. 237–262. Ausserdem Sabine Arend, Zwischen Gemeinde und Bischof. Pfarrbenefizien im Bistum Konstanz vor der Reformation (Schriften zur südwestdeutschen Landeskunde 47), Leinfelden-Echterdingen 2003, S. 174f., mit einzelnen Beispielen solcher Pfarreischulen.

lien von Konstanz und Basel wurde nicht nur über ein Reservationsrecht eines Teils der erledigten Pfründen – von einem Sechstel bis einem Drittel war die Rede – für graduierte Universitätsbesucher diskutiert, es sollten zudem nach dem Willen der Konzilsteilnehmer Bildungsmindestanforderung in der Form einer akademischen Graduierung für Inhaber von Pfarrpfründen definiert werden[11]. Im Konstanzer Konkordat von 1418 wurde denn auch festgehalten, dass Pfarreien mit über 2,000 Seelen nur an graduierte Kleriker zu vergeben seien[12]. Ähnliche Bildungsmassstäbe setzte auch der Autor der *Reformatio Sigismundi* an, wenn er für die Ausübung des Pfarramts den artistischen Bakkalarsgrad voraussetzte: *Es soll kein byschoff kein pfarkyrchen leyhen dann einem, der da bringet einen brieff von einer hohen schul, da er gelernet hab und gestudirt, der brieff soll in furdernn und kein ander bett* [scil.: keine andere Empfehlung, etwa *preces primariae*, erste Bitten des Kaisers], *darzü soll man einen examinirenn; wer ein pfarkyrchen außrichten soll, der sol zümm mynsten ein baccularius sein*[13]. Der Autor der Schrift geht im Prinzip davon aus, dass artistisch-akademische Bildung die Qualität der Seelsorge heben kann. Er prangert lediglich die gängige Praxis an, dass gelehrte, graduierte Domherren Pfarreipfründen besässen und diese mit ungebildeten Vikaren versehen liessen: *Man soll versorgen und verhutten, das keiner mer hab dann ein pfründe; ist er ein thummherre, so hab er genüg; ist er gelert, so sol man in zwingen uff ein kyrchenn;/uff dye thüme sein dye gut hin, dye lesen und singen können*[14]. Gelehrtes

[11] Vgl. Peter Moraw, Stiftspfründen als Elemente des Bildungswesens im spätmittelalterlichen Reich, in: Studien zum weltlichen Kollegiatstift in Deutschland, hg. von Irene Crusius (Veröffentlichungen des Max-Planck-Instituts für Geschichte 114; Studien zur Germania Sacra 18), Göttingen 1995, S. 270–295, hier S. 286f.

[12] Vgl. Erich Meuthen, Zur europäischen Klerusbildung vom 14. bis zum 16. Jahrhundert, in: Mediävistische Komparatistik. Festschrift für Franz Josef Worstbrock, hg. von Wolfgang Harms und Jan-Dirk Müller, Stuttgart/Leipzig 1997, S. 263–294, hier S. 280.

[13] Zitat nach Heinrich Koller (Hg.), Reformation Kaiser Siegmunds (Monumenta Germaniae Historica, Staatsschriften des späteren Mittelalters 6), Stuttgart 1964, S. 134. Vgl. Meuthen (Anm. 12), S. 289 mit Anm. 142; Martin Kintzinger, Studens artium, rector parochiae und magister scolarium im Reich des 15. Jahrhunderts. Studium und Versorgungschancen der Artisten zwischen Kirche und Gesellschaft, in: Zeitschrift für historische Forschung 26, 1999, S. 1–41, hier S. 3–8; Oediger (Anm. 7), S. 65. Den Forschungsstand der Pfarrerbildung fasst zusammen Arend (Anm. 10), S. 182f. Zur Wirkungsgeschichte der *reformatio Sigismundi* vgl. Hartmut Boockmann, Zu den Wirkungen der „Reform Kaiser Siegmunds", in: Studien zum städtischen Bildungswesen des späten Mittelalter und der frühen Neuzeit, hg. von Bernd Moeller, Hans Patze und Karl Stackmann (Abhandlungen der Akademie der Wissenschaften in Göttingen, philologisch-historische Klasse, dritte Folge 137), Göttingen 1983, S. 112–135.

[14] Koller (Anm. 13), S. 138.

Wissen soll demnach der Pfarrgemeinde zugute kommen und nicht den Stiftskapiteln vorbehalten sein.

Den Reformdiskussionen gleich welcher Provenienz ist gemeinsam, dass es ausschliesslich um den artistischen Fächerkanon ging, worüber der Pfarrklerus nach Möglichkeit verfügen sollte. Dass dem artistischen Bakkalarsgrad als Minimalstandard ein relativ hoher Stellenwert beigemessen wurde, dürfte mit der im 15. Jahrhundert weit verbreiteten Akzeptanz dieses Titels zusammenhängen, obwohl am Examen kaum der effektive Wissensstand der Kandidaten, sondern die Beherrschung eingespielter Abläufe des formalisierten Diskurssystems überprüft wurde. Es ging wohl weniger um die akademische Bildung des Pfarrklerus an sich, als vielmehr um den Grad als ‚Fähigkeitsausweis' über das Trivium. Damit war der unterste Titel im akademischen Curriculum dem Besuch einer Lateinschule überlegen, da dieser, unabhängig von der Qualität der Lehrinstitution, nicht die anerkannte Verbindlichkeit eines Bakkalarsgrads erreichte.

Zu überprüfen, wie es um die Bildung, insbesondere um die akademische, der Pfarrgeistlichkeit tatsächlich bestellt war, erweist sich bald einmal als schwierig, da nur für wenige Regionen Studien zur Geistlichkeit vorliegen, die auch Angaben zum Bildungsstand der Kleriker enthalten, das Berner Territorium zählt jedenfalls nur teilweise dazu. Für das Bistum Konstanz – die Gebiete rechts der Aare gehören zu dieser Diözese – kann aber immerhin angenommen werden, dass der Anteil universitätsgebildeter Pfarrkleriker kurz vor der Reformation zwischen einem Viertel und einem Drittel gelegen haben dürfte[15]. In jenem nur in geringem Masse urbanisierten Raum mit wenigen Städten und einer mehrheitlich nur schwach ausgeprägten Tradition des Universitätsbesuchs dürfte die Quote eher noch tiefer, etwa bei 20 Prozent anzusetzen sein (zur geographischen Orientierung siehe Abb. 3)[16].

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[15] Zur Berechnung des Anteils universitätsgebildeter Pfarrkleriker im Bistum Konstanz vgl. nun ausführlich Beat Immenhauser, Bildungswege – Lebenswege. Die Universitätsbesucher aus dem Bistum Konstanz im 15. und 16. Jahrhundert (Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte 8), Basel 2007, S. 316–333.

[16] Zur fehlenden Tradition des akademischen Bildungserwerb in Bern vgl. Urs Martin Zahnd, Studium und Kanzlei. Der Bildungsweg von Stadt- und Ratsschreibern in eidgenössischen Städten des ausgehenden Mittelalters, in: Gelehrte im Reich. Zur Sozial- und Wirkungsgeschichte akademischer Eliten des 14. bis 16. Jahrhunderts, hg. von Rainer C. Schwinges (Zeitschrift für historische Forschung, Beiheft 18), Berlin 1996, S. 453–476. Immenhauser (Anm. 15), 75–81.

Vor der Reformation, soviel scheint festzustehen, liegt die Konstanzer Diözese mit einem Anteil von einem Viertel bis einem Drittel universitätsgebildeter Pfarrkleriker eher im Mittelfeld. Für den Zeitraum von 1480 bis 1525 besuchten gut 40 Prozent der Thüringer Pfarrgeistlichkeit eine Universität, in der Diözese Chur lag der Anteil zwischen 1490 und 1520 in derselben Grössenordnung[17]. Die englischen Verhältnisse scheinen eher denjenigen im Südwesten des Reiches entsprochen zu haben: Guy F. Lytle und Ralph Evans berechneten einen Anteil von 20 Prozent akademisch gebildeter Pfarrkleriker für das letzte Drittel des 15. Jahrhunderts[18]. Ebenso in der Diözese Strassburg: Dort hatte nach den Studien von Francis Rapp vor der Reformation rund jeder dritte Kleriker eine Universität besucht[19]. Die Untersuchungen von Johannes Kist zum gesamten Klerus der Bamberger Diözese von 1400 bis 1556 liefern ebenfalls vergleichbare Resultate in der Grössenordnung von einem Drittel der Pfründinhaber, die mit akademischer Bildung in Berührung gekommen waren[20].

Zwei Bemerkungen sind hier noch anzufügen: 1. Diese Angaben zur Akademisierung des Pfarrklerus geben eine Tendenz wieder, die sich vor Ort jeweils ganz unterschiedlich präsentierte. So sind auf einzelne Pfarreien ganze Reihen von akademisch gebildeten Geistlichen präsentiert worden, während andere Stellen nie oder nur ausnahmsweise mit Universitätsbesuchern besetzt wurden. Entscheidend waren, wie die aktuelle Forschung zeigen konnte, die Dotierung der Pfründe und die Grösse der Pfarrgemeinde. Auf sogenannte *praebenda pingues*, ‚fette'

[17] Vgl. Arend (Anm. 10), S. 184, Anm. 81; Oskar Vasella, Untersuchungen über die Bildungsverhältnisse im Bistum Chur mit besonderer Berücksichtigung des Klerus. Vom Ausgang des 13. Jahrhunderts bis um 1530 (62. Jahresbericht der Historisch-Antiquarischen Gesellschaft von Graubünden 1932), Chur 1933, S. 95f. Weitere Angaben bei James H. Overfield, University Studies and the Clergy in Pre-Reformation Germany, in: Rebirth, Reform, and Resilience: University in Transition, 1300–1700, hg. von James M. Kittelson und Pamela Transue, Columbus (Ohio) 1984, S. 254–292, hier S. 259f.

[18] Vgl. Kintzinger (Anm. 13), S. 12, Anm. 40, mit weiteren Literaturangaben; zudem Dieter Scheler, Patronage und Aufstieg im Niederkirchenwesen, in: Sozialer Aufstieg. Funktionseliten im Spätmittelalter und in der frühen Neuzeit (Deutsche Führungsschichten in der Neuzeit 25), hg. von Günther Schulz, München 2002, S. 315–336, hier S. 322, für Nordbrabant, wonach sich im 15. Jahrhundert ein Drittel aller Inhaber eines Pfarramtes an einer Universität eingeschrieben hatte, im 16. Jahrhundert bereits die Hälfte.

[19] Francis Rapp, Der Klerus der mittelalterlichen Diözese Strassburg unter besonderer Berücksichtigung der Ortenau, in: Zeitschrift für die Geschichte des Oberrheins 137/NF 98, 1989, S. 91–104, hier S. 103.

[20] Johannes Kist, Klerus und Wissenschaft im spätmittelalterlichen Bistum Bamberg, Bamberg 1964, S. 3f.

Pfründen, deren Einkünfte über 100 oder 120 Gulden jährlich betrugen, gelangten häufiger sogar graduierte Kleriker, vor allem dort, wo der Pfarrer zudem dem Bedürfnis einer Stadt nach hochkarätiger Besetzung zu entsprechen hatte[21]. Dies lässt sich für den südwestdeutschen Raum für grössere Städte wie Ulm, Esslingen, Ravensburg oder Rottweil, aber auch für eidgenössische Städte wie Zürich, Bern oder St. Gallen belegen[22]. Selbst kleinere Städte vor allem in den ehemals aargauisch-habsburgischen Teilen des Berner Territoriums wie Aarau, Baden, Brugg, Lenzburg oder Zofingen (vgl. Abb. 3) – Städte, die auf eine lange Tradition des akademischen Bildungserwerb zurückblicken konnten[23] – waren bemüht, akademisch gebildete Prädikanten in ihre Dienste zu nehmen[24]. In vielen Pfarreien wirkten jedoch nur gelegentlich ehemalige Universitätsbesucher. Insbesondere in den ländlicheren Regionen des Berner Territoriums stellten sie bis zur Reformation die Ausnahme dar[25].

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[21] Vgl. Arend (Anm. 10), S. 182–189; dazu mit anderer Beurteilung Immenhauser (Anm. 15), S. 330f.

[22] Für Ulm: Hermann Tüchle, Die mittelalterliche Pfarrei, in: Kirchen und Klöster in Ulm. Ein Beitrag zum katholischen Leben in Hermann Ulm und Neu-Ulm von den Anfängen bis zur Gegenwart, hg. von Hans Eugen Specker und dems., Ulm 1979, S. 12–38, hier S. 33–38; vgl. auch Bernhard Appenzeller, Die Münsterprediger bis zum Übergang Ulms an Württemberg 1810. Kurzbiographien und vollständiges Verzeichnis ihrer Schriften (Veröffentlichungen der Stadtbibliothek Ulm 13), Weißenhorn 1990, hier S. 19–35; Immenhauser (Anm. 15), S. 326; Esslingen: Moritz von Campenhausen, Der Klerus der Reichsstadt Esslingen 1321–1531. Das Verhältnis des Rates zu den Geistlichen von der Kapellenordnung bis zur Reformation (Esslinger Studien, Schriftenreihe 19), Esslingen 1999, S. 110–235; Immenhauser, a.O., S. 324; Ravensburg: Alois Knöpfler, Beiträge zur Pfarrgeschichte der Stadt Ravensburg, in: Freiburger Diözesanarchiv, 1878, S. 151–166; Rottweil: Stefan Kriessmann, Series Parochorum. Reihenfolge der katholischen Pfarrer in den Pfarreien der Diözese Rottenburg (Württ.), Althausen 1950, Nr. XXVII, S. 25; Zürich: Gerald Dörner, Klerus und kirchliches Leben in Zürich von der Brunschen Revolution (1336) bis zur Reformation (1523) (Studien zur Literatur- und Kulturgeschichte 10), Würzburg 1996; Bern: Lohner (Anm. 5), S. 14; St. Gallen: Staerkle (Anm. 7), S. 138.

[23] Dazu Clara Müller, Geschichte des aargauischen Schulwesens vor der Glaubenstrennung. Diss. phil. Fribourg 1917, S. 87–111.

[24] Die Bildungsgänge der vorreformatorischen Prediger in diesen Städten sind bei Eduard Lengwiler, Die vorreformatorischen Prädikaturen der deutschen Schweiz, Diss. phil. Fribourg 1955, S. 79–92, zusammengestellt.

[25] Eine umfassende Untersuchung zur Bildung des vorreformatorischen Klerus des Berner Territoriums steht noch aus. Der Verfasser hat jedoch für seine Studie zu den Universitätsbesuchern aus dem Bistum Konstanz von 1430 bis 1550 auch die Annatenregister der Diözese, ein Verzeichnis der Annatenvereinbarungen sämtlicher Pfarreien, die annatenpflichtig waren, für den Zeitraum von 1438 bis 1506, ausgewertet, Immenhauser (Anm. 15), S. 301f., mit weiteren Literaturangaben. Für die Teile des

2. Die Akademisierung der Pfarrgeistlichkeit nimmt im Laufe des 15. und noch zu Beginn des 16. Jahrhunderts stark zu. Allein für die zweite Hälfte des 15. Jahrhunderts konnte innerhalb des Konstanzer Bistums eine Verdreifachung der Anzahl Pfarrgeistlicher mit einem Universitätsbesuch konstatiert werden. Nicht nur in quantitativer, sondern auch in qualitativer Hinsicht ist eine Steigerung festzustellen: Auch die Zahl der graduierten Pfründinhaber, also Träger mindestens des artistischen Bakkalarsgrads, wuchs bis zur Reformationszeit kontinuierlich an[26]. Auch wenn dies im einzelnen nur für Pfarrbenefizien im Konstanzer Bistum – ohne die zum Lausanner Kirchensprengel gehörenden Pfarreien – zu belegen ist, so darf davon ausgegangen werden, dass auch für das Berner Territorium gilt, was für den südwestdeutschen Raum seine Richtigkeit hat: Kurz vor der Reformation ist das Bildungsniveau der Pfarrgeistlichkeit so hoch wie noch nie zuvor. Der Druck der Universitäten, die im Laufe des 15. Jahrhunderts immer mehr Besucher anzuziehen vermochten, fand seinen Niederschlag auch in der Kirche, stark gefördert durch die Gründungen der Generalstudien in Basel und Freiburg im Breisgau 1460 und Tübingen 1477[27].

Die Frage allerdings, ob damit auch die Qualität der Seelsorge in den Pfarreien gestiegen ist, lässt sich nicht beantworten. Allerdings ist dem gelegentlich in der älteren Forschung verbreiteten Bild des zwar hochgelehrten, aber moralisch verwerflichen Pfründenjägers entgegenzuwirken. Jüngere Untersuchungen haben gezeigt, dass das Problem der Pfründenakkumulation mit ihren negativen Folgen – sozial hochstehende Pfründinhaber lassen sich durch schlecht entlöhnte und mangelhaft ausgebildete Geistliche vor Ort vertreten, während sie selber beispielsweise

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Territoriums, die zur Konstanzer Diözese gehörten, konnten für die vorreformatorische Zeit bislang 102 Besetzungen von Pfarreien und Dekanaten mit universitätsgebildeten Klerikern belegt werden. Dieser Wert ist höchstens als Annäherung zu verstehen, aber er zeigt doch, dass in den ca. 140 Pfarreien (nur Bistum Konstanz, mit Aargau) in dieser Region im 15. und zu Beginn des 16. Jahrhunderts eine relativ kleine Zahl von akademisch gebildeten Klerikern tätig war.

[26] Immenhauser (Anm. 15), Figur 43, S. 307, und Figur 50, S. 331.

[27] Dazu Beat Immenhauser, Schulen und Studium in Bern, in: Berns grosse Zeit. Das 15. Jahrhundert neu entdeckt, hg. von Ellen J. Beer et al., Bern 1999, S. 155–161; Urs Martin Zahnd, Die Bildungsverhältnisse in den bernischen Ratsgeschlechtern im ausgehenden Mittelalter. Verbreitung, Charakter und Funktion der Bildung in der politischen Führungsschicht einer spätmittelalterlichen Stadt (Schriften der Berner Burgerbibliothek), Bern 1979, S. 64–72. Für die englische Perspektive vgl. Beat Kümin, The English Parish in a European Perspective, in: The Parish in English Life 1400–1600, hg. von Katherine L. French, Gary G. Gibbs und dems., Manchester 1997, S. 15–32.

in einem Domstift Einsitz hatten – zwar existierte, aber auch kurz vor der Reformation nur wenige Kleriker betraf [28].

Umgestaltung des höheren Berner Bildungswesen nach 1528: Die Hohe Schule wird gegründet

Als der Berner Rat nach dreiwöchiger Disputation am 26. Januar 1528 die zehn Schlussreden als verbindliche Grundlage für die Kirche in seinem Territorium erklärte und damit faktisch die Reformation einführte, bezeugten gegen 200 Priester mit ihrer Unterschrift unter das Dokument ihr Einverständnis – 45 hatten die Unterschrift verweigert –, künftig nach der neuen Lehre zu predigen[29]. Mit diesem Entscheid übernahm der Rat die Verantwortung über die Kirche. Doch nicht nur das Besetzungsrecht der Pfarreien eignete sich die Regierung an, sie übernahm auch die Ausbildung des Pfarrernachwuchses. Zu diesem Zweck wurde das höhere Bildungssystem in Bern nach dem Vorbild Zürichs umgestaltet; dort war unter der treibenden Kraft Zwinglis 1525 eine ‚Hohe Schule', die sog. *Phrophezey*, eingerichtet worden, wo vor allem künftige evangelische Prädikanten ausgebildet wurden. Dieses Zürcher Modell der *lectiones publicae* oder *lätzgen*, öffentliche Vorlesungen über antike Sprachen und Bibeltexte, machte Schule und wurde in Bern und später auch in Lausanne (1537) und Genf (1559) übernommen[30].

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[28] So etwa Albert Braun, Der Klerus des Bistums Konstanz im Ausgang des Mittelalters (Vorreformationsgeschichtliche Forschungen 14), Münster 1938, S. 77. Neuere Forschungen zu geistlichen Laufbahnen zeigen hingegen, dass die meisten Pfründen nicht gleichzeitig, sondern eine nach der anderen, meistens ohne sich zu überschneiden, versehen wurden, Oliver Auge, Stiftsbiographien. Die Kleriker des Stuttgarter Heilig-Kreuz-Stifts (1250–1552) (Schriften zur südwestdeutschen Landesgeschichte 38), Leinfelden-Echterdingen 2002, S. 145, mit weiterführender Literatur, ausserdem Sabine Weiss, Ämterkumulierung und Pfründenpluralität. Auswärtige Mitglieder des spätmittelalterlichen Brixner Domkapitels im Streben nach gesichertem Einkommen und sozialem Aufstieg, in: Tiroler Heimat 43, 1980, S. 163–184.

[29] Zur Einführung der Berner Reformation vgl. etwa Eduard von Rodt, Bern im sechzehnten Jahrhundert, Bern 1904, S. 1–30; Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 101–146; Rudolf Dellsperger, Zehn Jahre bernische Reformationsgeschichte (1522–1532). Eine Einführung, in: 450 Jahre Berner Reformation. Beiträge zur Geschichte der Berner Reformation und zu Niklaus Manuel, hg. vom Historischen Verein des Kantons Bern, Bern 1980, S. 25–59; der Wortlaut der Schlussreden sowie die Namen der unterzeichnenden Kleriker sind zusammengestellt bei Rudolf Steck und Gustav Tobler (Hgg.), Aktensammlung zur Geschichte der Berner-Reformation, 1521–1532, Bern 1923, Bd. 1, S. 590–599.

[30] Vgl. zum eidgenössischen Bildungswesen in der ersten Hälfte des 16. Jahrhunderts vor allem Zahnd (Anm. 6); zudem Ulrich Im Hof, Die reformierten Hohen Schulen

Federführend bei der Umgestaltung des Schulwesens im Februar 1528 waren in einer ersten Phase der Berner Stadtpfarrer und Reformator Berchtold Haller, der ein Schulkonzept entwarf, sowie der Stadtschreiber Peter Cyro, der eine erste, nicht überlieferte Schulordnung verfasste[31].

Berchtold Haller prägte die Berner Kirchen- und damit auch die Bildungspolitik in den ersten Jahren nach der Reformation. 1492 im schwäbischen Aldingen geboren, besuchte er zunächst die bekannte Lateinschule in Rottweil und zog 1510 nach Köln zum Studium der *artes*, wo er 1511 den Bakkalarsgrad erwarb. Seit 1513 wirkte er in Bern, zuerst an der Lateinschule als Hilfslehrer, dann im St. Vinzenzstift als Helfer, seit 1519 als Prädikant. In dieser Funktion als Prediger wurde er zum Reformator Berns[32]. Haller beanspruchte für seine Person in religions- und kirchenpolitischen Fragen keine Führungsposition in der Eidgenossenschaft, bemühte sich aber intensiv um die Verbreitung und Durchsetzung der Reformation. Das Zentrum der reformatorischen Aktivitäten ging für die deutschsprachige Eidgenossenschaft von Zürich aus, von Huldrych Zwingli und seinem Nachfolger Heinrich Bullinger, der der Zürcher Kirche von 1531 bis 1575 vorstand und sich in dieser langen Amtszeit zu einer überregional geachteten Autorität in Religionsfragen entwickelte[33]. Haller suchte oft um Rat bei seinem Kollegen Heinrich Bullinger (1504–1575) in Zürich nach: Obwohl sich die Amtszeiten der beiden nur wenige Jahre überschnitten – Haller starb bereits am 25.2.1536 – schrieb der Berner Reformator zwischen 1531 und

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und ihre schweizerischen Stadtstaaten, in: Stadt und Universität im Mittelalter und in der frühen Neuzeit, hg. von Erich Maschke und Jürgen Sydow (Stadt in der Geschichte 3), Sigmaringen 1977, S. 53–70, mit einem knappen Überblick zur älteren Forschung S. 53f.; ders., Die Entstehung der reformierten Hohen Schulen, Zürich (1525) – Bern (1528) – Lausanne (1537) – Genf (1559), in: Beiträge zu Problemen deutscher Universitätsgründungen der frühen Neuzeit, hg. von Peter Baumgart und Notker Hammerstein (Wolfenbütteler Forschungen 4), Nendeln 1978, S. 243–262; ders.; Zur Geschichte der bernischen Hochschule, in: Hochschulgeschichte Berns 1528–1984. Zur 150-Jahr-Feier der Universität Bern 1984, hg. von der Kommission für bernische Hochschulgeschichte, Bern 1984, S. 25–127; ders. (Anm. 6).

[31] Dazu Zahnd (Anm. 6), S. 102.

[32] Zu Haller vgl. Friedrich Wilhelm Bautz, „Haller, Berchtold", in: Biographisch-bibliographisches Kirchenlexikon, Bd. 2, Hamm 1990, Sp. 485–493; Rudolf Dellsperger, „Haller, Berchtold", in: Theologische Realenzyklopädie 14, Berlin 1985, S. 393–395; Kathrin Tremp-Utz, Das Kollegiatstift St. Vinzenz in Bern. Von der Gründung 1484/85 bis zur Aufhebung 1528 (Archiv des Historischen Vereins des Kantons Bern 69), Bern 1985, S. 64f.

[33] Zu Bullinger zuletzt Fritz Büsser, Heinrich Bullinger (1504–1575). Leben, Werk und Wirkung, 2 Bde., Zürich 2004/2005.

1536 605 Briefe an Bullinger[34]. In diesem brieflichen Austausch wurde gelegentlich auch über Schulfragen diskutiert, so dass diese Informationen eine Bereicherung der ansonsten eher mageren Quellenlage zur Frühzeit der Berner Hohen Schule darstellen.

Bereits 1528 wurden öffentliche Vorlesungen über Bibeltexte gehalten, die vor allem dazu dienen sollten, die Pfarrgeistlichkeit besser auszubilden. Zu diesem Zweck gelangte der Berner Rat bereits eine Woche nach der Disputation mit der Bitte an Zürich, ihnen die beiden dort weilenden Gelehrten Kaspar Grossmann (lat. Megander) und Sebastian Hofmeister (lat. Oeconomus) zu überlassen, damit diese *uns das wort gottes verkünden, und die sprachen, es sye griechisch, hebreisch und latin, profitierend und lerend*[35]. Die Abwerbung der beiden Prediger und Gelehrten – Megander hatte in Basel studiert, ohne dort einen Titel erworben zu haben, während Hofmeister in Paris zum Doktor der Theologie promoviert worden war[36] – gelang, allerdings wurde Hofmeister noch 1528 nach Zofingen versetzt und durch den Hebraisten Johannes Rhellikan ersetzt[37]. Gleichzeitig wurden auch Lateinschulen auf der Landschaft aus säkularisiertem Kirchengut eingerichtet oder, wo sie bereits bestanden, neu fundiert und unter obrigkeitliche Aufsicht gestellt[38]. Kaspar Megander beschrieb in seinem Kommentar zum Epheser-Brief von Paulus diesen Vorgang als sittliches Werk des Berner Rats, um der Jugend den Gang an die zu Bordellen verkommenen Universitäten zu ersparen[39].

Wie man sich den Unterricht an der Hohen Schule zu Bern in den ersten Jahren ungefähr vorstellen muss, berichtet Berchtold Haller in einem Brief vom 23. September 1533 an Bullinger in Zürich. Nachdem

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[34] Die Bullinger-Korrespondenz stellt mit rund 12'000 erhaltenen Exemplaren der umfangreichste Briefwechsel des 16. Jahrhunderts dar. Die Edition der Briefe ist im Gange und ist bis ins Jahr 1540 gediehen: Heinrich Bullinger, Briefwechsel, hg. von Fritz Büsser, Zürich 1973ff.

[35] Steck/Tobler (Anm. 29), Bd. 1, S. 626 (Nr. 1505).

[36] Vgl. als Einstieg zu Megander Matthias Freudenberg, „Megander, Kaspar", in: Biographisch-bibliographisches Kirchenlexikon, Bd. 14, Herzberg 1998, Sp. 1245–1249; zu Hofmeister Friedrich Wilhelm Bautz, „Hofmeister, Sebastian", in: Biographisch-bibliographisches Kirchenlexikon, Bd. 2, Hamm 1990, Sp. 983–986.

[37] Zu Rhellikan Susanne Siebert, „Rhellikan, Johannes", in: Biographisch-bibliographisches Kirchenlexikon, Bd. 8, Herzberg 1995, Sp. 136f.

[38] Hierzu Adolf Fluri, Die bernische Schulordnung von 1548, in: Mitteilungen der Gesellschaft für deutsche Erziehungs- und Schulgeschichte 11, 1901, S. 159–218, hier S. 169–172.

[39] Gasparis Megandri Tigurini, in epistolam Pauli ad Ephesios commentarius: Una cum Ioannis Rhellicani epistola monitoria, Basel: Petri, August 1534; der Ausschnitt wurde übersetzt von Fluri (Anm. 38), S. 180f.; vgl. auch Zahnd (Anm. 6), S. 110.

sich Haller seiner Ungelehrtheit bezichtigte – *Wo sol ich armer knecht usß? Ich kan das latin nitt. Demnach so welte ich gern patres, tuas et aliorum commentationes mitt flyß und urteil läsen, so jagt mich jetz das predigen, jetz das chorgricht, jetz der bruderen zuloff und anligen darab, …*[40] – kommt er auf den Grund seiner Arbeitsüberlastung zu sprechen. Nebst den genannten Verpflichtungen gehörte auch die Durchführung von einem Kolloquium über Bibelstellen am Dienstag Nachmittag zu seinen Aufgaben, woran auch die Pfarrer der näheren Umgebung Berns teilnehmen würden. Im Weiteren erläutert er, dass den altphilologischen Vorlesungen Meganders und Rhellikans jedoch nur etwa acht Zuhörer folgen würden. Jeweils montags, mittwochs, donnerstags und freitags am Morgen lese Rhellikan über das neue Testament und am Nachmittag über Melanchthons Rhetorik[41].

In den ersten Jahren bot die Berner Hohe Schule demnach noch nicht den Eindruck einer stark institutionalisierten Lehranstalt, weder was die Lehrinhalte, noch den Standort betraf. Erst ab 1535 konnte im ehemaligen Franziskanerkloster der definitive Standort der Schule bezogen werden; die Lateinschule wurde im gleichen Gebäudekomplex untergebracht[42]. Von ihrer Funktion her als Ausbildungsstätte für den evangelischen Pfarrernachwuchs und in der Organisation des Unterrichts orientierte sich das Berner Schulwesen im wesentlichen am Zürcher Vorbild. Allerdings sind auch Einflüsse aus Straßburg festzumachen: Die Dienstagskolloquien wurden 1532 anlässlich der Berner Synode auf Anraten des Straßburger Predigers Wolfgang Capito, der als Verhandlungsleiter vermittelnd zwischen der zwinglianischen und lutherischen Abendmahlsauffassung wirkte, eingeführt. Obwohl sich Capito in diesen Jahren der lutheranischen Richtung anzunähern begann, fanden er und Martin Bucer mit weiteren Vorschlägen zum Bildungswesen Gehör beim Berner Rat. In einem Brief vom 12. Oktober 1532 empfahlen sie den Ratsherren, nun endlich mit der Säkularisierung des Kirchen- und Klosterguts fortzufahren und damit Lateinschulen auf dem Lande zu finanzieren[43]. Auch in der Personalpolitik lavierte Bern zwischen straßburgischen und zürcherischen Einflussbereichen,

[40] Heinrich Bullinger, Briefwechsel, Bd. 3, Briefe des Jahres 1533, Zürich 1983, S. 191–196: Berchtold Haller an Bullinger, 23. September 1533. Was Hallers Selbstkritik seiner Lateinkenntnisse anbelangt, so hat dies eher topischen Charakter: Die weitaus grösste Zahl der über 600 Briefe an Bullinger sind jedenfalls in Latein geschrieben worden.

[41] Ebd., S. 193.

[42] Zur Lateinschule vgl. nun Immenhauser (Anm. 6), S. 222ff.

[43] Der Brief ist abgedruckt in Fluri (Anm. 38), S. 176ff.

zwischen der eher moderaten und vermittelnden Linie Straßburgs und der extremeren Haltung Zürichs. Nachdem die ersten Dozenten der Berner Hohen Schule noch von Zürich zur Verfügung gestellt worden waren, berief man nach dem Ableben von Berchtold Haller 1536 mit Dr. theol. Sebastian Meyer, ein ehemaliger Lektor der Berner Franziskaner, einen der Auffassung Luthers zuneigender Dozent aus Straßburg nach Bern und auf Meganders Empfehlung zudem der zwinglianische Erasmus Ritter. Mit der – absichtlichen? – Vorgehensweise, sowohl die Straßburger als auch die Zürcher Haltung zu berücksichtigen, handelte sich der Berner Rat jedoch einen langwierigen Sakramentsstreit unter der einheimischen Pfarrgeistlichkeit ein, der erst mit der Berufung von Johannes Haller 1548 beendet werden konnte[44].

Die Anstellung von Johannes Haller 1548 in Bern als Nachfolger des Münsterpredigers Simon Sulzer wirkte sich positiv auf das Schulwesen in Bern aus. Johannes Haller (1523–1575), der Sohn eines zunächst in bernischen, dann in zürcherischen Diensten tätigen Pfarrers, hatte die Schulen in Zürich und dann als Stipendiat die Universitäten in Tübingen, Marburg und Leipzig besucht, ohne einen Grad zu erwerben[45]. Nach Stationen im Zürcher Gebiet und in Augsburg kam er 1547 als Prädikant am Grossmünster nach Zürich zurück. Im folgenden Jahr wurde er zunächst ‚leihweise', dann ab 1550 definitiv an Bern abgetreten. Bereits 1552 wählte ihn der Rat zum Dekan und damit zum obersten Geistlichen in Bern. Kurz nach seiner Ankunft in Bern wurde er beauftragt, das Bildungswesen zu „examinieren und reformieren". Nicht ohne Stolz schrieb der 25-jährige Prediger nach Zürich an seinen ehemaligen Vorgesetzten Heinrich Bullinger: „Mir liegt jetzt besonders die Fürsorge dafür ob, dass die Schulen auf dem Land und in der Stadt reformiert werden. Unsere Herren wenden wahrlich grosse Kosten auf, aber ohne alle Ordnung und daher auch ohne Gewinn und Frucht"[46]. Erstes sichtbares Zeugnis der Bemühungen Hallers stellt die grosse Schulordnung von 1548 dar[47]. In dieser Ordnung wurde das gesamte höhere

[44] Hierzu Fluri (Anm. 38), S. 184–196; Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 204–212.

[45] Zu Haller nun Marc van Wijnkoop Lüthi, „Haller, Johannes", in: Historisches Lexikon der Schweiz [elektronische Publikation HLS], Version vom 19.01.2005, mit weiterführender Literatur.

[46] Lateinisches Original zitiert nach der Übersetzung von Fluri (Anm. 38), S. 197.

[47] Abgedruckt in: Sammlung Schweizerischer Rechtsquellen. Die Rechtsquellen des Kantons Bern, Bd. 12: Das Stadtrecht von Bern: Bildungswesen, Aarau 1979, S. 4–8; vgl. dazu Zahnd (Anm. 6), S. 103; Fluri (Anm. 38), S. 198–218.

Bildungswesen des Berner Territoriums festgehalten, sie bezog sich also auf die Lateinschulen in den Munizipalstädten (vor allem Brugg, Thun und Zofingen), auf die Lateinschule in Bern, die sogenannte untere Schule, und auf das Barfüsser Kollegium, die Hohe Schule. Inhaltlich enthält sie wenig Neues gegenüber älteren Zuständen, allerdings wollten die Revisoren das bisher Erreichte festsetzen und in den wichtigeren Bildungsinstitutionen im Land zur Anwendung bringen. Dies betraf vor allem das Stipendien- und Prüfungs-, beziehungsweise Promotionswesen, die Lehrinhalte und das sittliche Verhalten der Schüler[48].

Gerade weil die Schulordnung keine grösseren Veränderungen in Aufbau und Inhalt des Unterrichts enthielt, ist die gelegentlich geäusserte Vorstellung, dass in Bern – aber auch in Zürich – das Straßburger Schulmodell von Johannes Sturm angewendet worden sei, abzulehnen[49]. Sturm realisierte 1538/39 ein Schulkonzept für ein neunklassiges Gymnasium, dessen Struktur und Organisation mit der Lateinschule in Bern zwar in vielen Bereichen übereinstimmte: In der Ausrichtung auf den altsprachlichen Unterricht, der Einführung von Jahrgangsklassen und jährlichen Versetzungsprüfungen sowie in den festen Klassenlehrern[50]. Eine direkte Beeinflussung der Schulordnung von 1548 durch das Sturm'sche Schulkonzept ist jedoch eher unwahrscheinlich, da, wie ausdrücklich erwähnt wird, die fünfklassige Einteilung der Lateinschule wie *man von alterhar brucht* eingerichtet sei, also auf ältere, möglicherweise gar vorreformatorische Zustände zurückgreift[51]. Das Berner Schulwesen orientierte sich auch in jener Zeit – wenn überhaupt noch an etwas – an Zürich, und dort reagierte man äusserst empfindlich auf alle ‚Vorschläge', die aus dem der lutheranischen Konfession nahestehenden Straßburg kamen, obwohl Johannes Sturm selbst immer wieder den

[48] Dies geht aus einem Brief von Haller an Bullinger vom 16. Juli 1548 hervor. Der lateinische Brief ist teilweise übersetzt in: Fluri (Anm. 38), S. 200.

[49] So jüngst wieder für Zürich Anton Hügli, „Gymnasium", in: Historisches Lexikon der Schweiz [elektronische Publikation HLS], Version vom 29.07.2004. Der Einfluss von Martin Bucer und Wolfgang Capito auf den Berner Rat dürfte hingegen grösser gewesen sein, vgl. Ernst-Wilhelm Kohls, Die Schule bei Martin Bucer in ihrem Verhältnis zu Kirche und Obrigkeit (Pädagogische Forschungen 22), Heidelberg 1963, S. 101ff.; Fluri (Anm. 38), S. 176–178.

[50] Vgl. hierzu Brady (Anm. 3), S. 116–131; zu Johannes Sturm ders., There are two Sturms at Strasbourg. The history of a very long confusion, in: Gemeinde, Reformation und Widerstand. Festschrift für Peter Blickle zum 60. Geburtstag, S. 233–242; Barbara Sher Tinsley, Johann's Sturms method for humanistic pedagogy, in: Sixteenth century journal 20, 1989, S. 23–41; Anton Schindling, Humanistische Hochschule und freie Reichsstadt. Gymnasium und Akademie in Strassburg 1538–1621, Wiesbaden 1977.

[51] Zitiert nach Fluri (Anm. 38), S. 209; Im Hof (Anm. 6), S. 57.

Konsens zwischen den evangelischen Bekenntnissen gesucht hatte, was ihm letztlich seine Stellung als Schulrektor kostete[52]. Aus Briefpassagen zwischen dem in Straßburg studierenden Zürcher Stipendiaten Rudolf Gwalther und seinem Mentor Heinrich Bullinger geht zumindest indirekt dessen ablehnende Haltung gegenüber Einflüssen aus Straßburg hervor: Gwalther schrieb am 26. November 1538 begeistert über das neue Straßburger Schulmodell, das auch für Zürich vorbildlich sein könne, und verspricht ihm, Johannes Sturms programmatische, soeben gedruckt Schrift *De literarum ludis recte aperiendis liber* zuzusenden. Die Antwort Bullingers ist nicht erhalten, aber an der erneuten Replik Gwalthers wird deutlich, dass jener das Zürcher Schulwesen in keiner Weise als reformbedürftig betrachtet hat[53]. Eine institutionelle Beeinflussung des 1537 auch auf Lausanne übertragenen Berner durch das Straßburger Modell ist im Gegensatz zur Genfer Akademie Jean Calvins, der sich von Johannes Sturm beraten liess[54], eher unwahrscheinlich[55].

Doch zurück zur Berner Schulordnung von 1548: Der vierte und letzte Abschnitt der Schulordnung ist betitelt mit *Die man witer schickt* und behandelt geeignete Kandidaten der Hohen Schule, die an auswärtige Lehranstalten gesendet werden sollen: *Diewyl mit denselben, so man etwan fürer schickt, witer zu leren und zu erkunden, als vornacher gan Strassburg, ietz gan Zürich und ouch uf die universiteten, träfentlicher costen ufgangen, der kum zu tragen oder ouch zu erlyden, ist angesächen, das man eim söllichen für zerung, kleyder, bücher und was er dess halb wyll oder bedarf zu koufen ein genampte sum,*

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[52] Dazu Schindling (Anm. 50), S. 367f.

[53] Bullinger, Briefwechsel (Anm. 34), Bd. 8, S. 272–278; S. 289 mit Anm. 13; vgl. auch S. 214, Anm. 8 mit dem Hinweis, dass Bullinger die Schrift Sturms möglicherweise schon über Vadian kannte.

[54] Zur Genfer Hohen Schule vgl. Schindling (Anm. 50), S. 350ff.; zu Lausanne vgl. Anm. 62.

[55] Es müsste genauer untersucht werden, inwiefern die Berner Schulherren als eine erste ‚Schulbehörde' auf eine Straßburger Einrichtung zurückgingen. Da Bern ebenfalls an der 1534 initiierten Buffler'schen Schulstiftung für Theologen in Straßburg partizipierte, müsste im Prinzip ein Schulrat geschaffen worden sein, der über die Vergabe der Stipendien entschied, weil dies die Stiftungsurkunde so vorsah. Erste Nachrichten über die Schulherren – die drei Münsterpfarrer – stammen jedoch erst von 1548, und Ratsherren als weltliche Vertreter im Schulrat erscheinen erst 1585. Zur Stiftung von Peter und Jost Buffler aus Isny Kohls (Anm. 49), S. 103ff.; Schindling (Anm. 50), S. 29; zur Institution des Schulrats vgl. ders., a.O., S. 82; Kohls, a.O., S. 65f.; Adolf Fluri, Die bernische Schulordnung von 1591 und ihre Erläuterungen und Zusätze bis 1616 (Beihefte zu den Mitteilungen der Gesellschaft für deutsche Erziehungs- und Schulgeschichte 12), Berlin 1906., hier S. 7ff.; Braun-Bucher, Hohe Schule (Anm. 6).

namlich uf ein jar xl guldin geben sölle,…[56]. Ausser dem allgemeinen Hinweis, dass sich Studenten auswärts weiterbilden sollten, ist der eigentliche Zweck des Besuchs externer hoher Schulen oder Universitäten nicht explizit angegeben. In ähnlicher Weise heisst es auch in einem Ratsbeschluss vom 9. April 1554: *Predicanten anbracht, studenten fürer dan ganz Zürich zethund, zustudieren, so gute ingenia dest mer zu erkundigen*[57]. In der Schulordnung von 1591 wird ausgeführt, dass nur ein Schüler an die Universitäten geschickt werden sollen, der von seinem Schulvorstand *synes flyßes, gotsforcht, zucht und ghorsamy halben ein heitere und bestendige zügnuß habe*[58]. Daraus wird ersichtlich, dass vor allem begabte und gehorsame Absolventen der Hohen Schule an Universitäten geschickt wurden. Um zum Pfarrer oder *verbum divini minster* – kurz VDM, der einzige ‚Titel', zu welchem der Besuch der Hohen Schule Berns befähigte – ernannt zu werden[59], war ein zusätzliches Studium weder vorgesehen noch notwendig. Es ging also eher um Begabtenförderung, wahrscheinlich mit der Absicht verbunden, geeignete Lehrkräfte und eventuell Prädikanten für die grösseren städtischen Pfarreien mit einem erhöhten ‚Anforderungsprofil' an die Stelleninhaber heranzuziehen. Grundsätzlich war das Studium an einer anderen Bildungsinstitution als komplementäre Zusatzausbildung immer noch vorgesehen. In welchem Ausmass dies geschah, welche Universitäten besucht wurden und was an diesen hohen Schulen gelernt wurde, gilt es nun zu thematisieren[60].

Der Universitätsbesuch künftiger Berner Pfarrer und Schulmeister

Das Studium an auswärtigen hohen Schulen konfessionalisierte sich im Laufe des 16. Jahrhunderts zusehends. Dies galt nicht nur für künftige Berner Prädikanten, sondern im Prinzip für alle Regionen, die mit der reformatorischen Bewegung in Berührung gerieten. Allerdings muss hier sogleich angemerkt werden, dass gewissen Einschränkungen der *libertas academica* bereits in vorreformatorischer Zeit zu beobachten sind: Dem konfessionalisierten ging bereits der territorialisierte Universitätsbesuch

[56] Fluri (Anm. 38), S. 214, ausserdem Sammlung Schweizerischer Rechtsquellen (Anm. 47), S. 11–21.
[57] Fluri (Anm. 38), ebd.
[58] Zitiert nach: Fluri (Anm. 55), S. 50.
[59] Vgl. Im Hof (Anm. 6), S. 212f.
[60] Vgl. auch Zahnd (Anm. 6), S. 112.

voraus. Wenn Universitäten die Funktion einer ausgesprochenen Landesuniversität für ein bestimmtes Territorium besetzten, wie es unter anderen für die hohe Schule Tübingens zutraf, so konnte es sich für künftige Verwaltungsamtsleute oder Geistliche als vorteilhaft erweisen, dort auch studiert zu haben. Wenn die Obrigkeit in die Vergabe von Positionen involviert war, musste man sich deren Qualifizierungspräferenzen zu eigen machen. War ein Studium an einer bestimmten Universität erwünscht, so tat man im Hinblick auf Karrierechancen gut daran, dies auch zu tun[61]. Dies galt für württembergische Amtleute ebenso wie für Berner Prädikanten.

Für die Schüler der bernischen Hohen Schule, die Ambitionen auf eine Lehr- oder Pfarrerstelle innerhalb des Territoriums hegten, bedeutete dies, dass sie in der Regel nur der Obrigkeit genehme Bildungsinstitutionen besuchen konnten. Dies schränkte das Spektrum der zur Auswahl stehenden Studien zunächst einmal auf nicht-katholische und wenn möglich auch auf nicht lutheranisch dominierte Institutionen ein. In Frage kamen also vor allem Basel, Tübingen, Heidelberg, Marburg, Leipzig und Wittenberg (beide nur zeitweise), nebst den anderen reformierten hohen Schulen in der Eidgenossenschaft wie Zürich, Lausanne oder Genf, die hier jedoch nicht näher untersucht werden, da sie im 16. Jahrhundert keinen Universitätsstatus erreicht hatten und sich deshalb institutionell nicht von der Berner Ausbildungsstätte unterschieden[62]. Allerdings ist an dieser Stelle zu bemerken, dass diese Unterscheidung zwischen Bildungsinstitutionen mit den Privilegien einer Universität und solchen, die lediglich höhere Schulen waren, in nachreformatorischer Zeit für die Predigerausbildung an Bedeutung verloren hat. Der Hauptgrund lag darin, dass die meisten Pfarrerkandidaten kaum mehr akademische Grade, die nur eine Universität verleihen konnte, erwarben und deshalb auch nicht auf eine Bildungsinstitution mit einem päpstlich-kaiserlich bestätigten *ius promovendi* angewiesen waren.

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[61] Vgl. hierzu Immenhauser (Anm. 15), Kap. 2.4.5; ausserdem Hilde de Ridder-Symoens, Mobilität, in: Geschichte der Universität in Europa. Bd. 2: Von der Reformation zur Französischen Revolution (1500–1800), hg. von Walter Rüegg, München 1996, S. 335–359, hier S. 337–346.

[62] Vgl. Im Hof (Anm. 6), S. 211–214. Zu den anderen reformierten Hohen Schulen der Eidgenossenschaft vgl. die Literaturübersicht bei Braun-Bucher, Samuel Frisching (Anm. 6), S. 164ff. (Lausanne) und 166f. (Genf); ausserdem zu Lausanne Patrick R. Monbaron, L'Académie provenciale de Lausanne, in: Berns mächtige Zeit (Anm. 2); S. 280–284; zu Zürich Schola Tigurina. Die Züricher Hohe Schule und ihre Gelehrten um 1550, 2. Aufl. Zürich und Freiburg 2000.

Doch sei nun das Augenmerk auf den eigentlichen akademischen Bildungserwerb von Studierenden aus dem bernischen Territorium gelenkt, insbesondere auf die Universitätswahl in Zusammenhang mit der Entwicklung der Immatrikulationszahlen und auf das auswärtige Studium selbst. Zu diesem Zweck wurden insbesondere in den Matrikeln der Universitäten Basel, Tübingen, Heidelberg, Marburg, Leipzig und Wittenberg im Zeitraum von 1528 bis 1600 nach Immatrikulanten gesucht, deren Herkunftsort darauf schliessen lässt, dass sie aus dem bernischen Herrschaftsgebiet stammten[63]. Dies ergab eine Gruppe von 216 Personen, verteilt auf 302 Immatrikulationen, von denen sich wiederum 108 Personen in einer Funktion innerhalb des bernischen Staatswesen, als Pfarrer, Helfer, Schulmeister oder Dozent an der Hohen Schule, sowie von weiteren 21 Personen, die als Arzt, Schreiber, Vogt oder Ratsherr nachzuweisen sind. Zu den restlichen 96 Inskribenten lassen sich keine Angaben zum späteren Verbleib machen. Dies liegt daran, dass der Fokus der Untersuchung auf den Informationsquellen zum Pfarrerstand lag, also auf den Studien von Carl Friedrich Ludwig Lohner zu den bernischen und von Willy Pfister zu den aargauischen Prädikanten[64]. Es ist anzunehmen, dass einige dieser ehemaligen Universitätsbesucher ebenfalls an der Regierung oder Verwaltung des Berner Staatswesens teil hatten, etwa als Ratsherr oder Schulmeister.

Zunächst einmal stellt man fest, dass sich bis nach der Mitte des 16. Jahrhunderts nur einige wenige bernische Besucher an europäischen Hochschulen einfanden (siehe Abb. 1). Die Auseinandersetzung mit der lutheranischen Richtung in der Interpretation der Abendmahlslehre schwelte unterschiedlich heftig seit den 1540er Jahren und verschärfte

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[63] Es wurden nicht sämtliche greifbaren Matrikeleditionen durchgesehen, sondern gleichsam die erfolgsversprechenden Quellen und zur Kontrolle die Matrikel von Wien, Ingolstadt, Köln und Erfurt, sowie weitere Zusammenstellungen von eidgenössische Universitätsbesuchern; es wird hier kein Anspruch auf eine vollständige Erfassung der bernischen Universitätsbesucher geltend gemacht.

[64] Auch die Pfarrer des seit 1536 zum bernischen Herrschaftsgebiet gehörenden Waadtlandes wurden nicht in die Studie mit einbezogen. Es sei hier lediglich festgehalten, dass der Austausch zwischen der deutsch- und französischsprachigen Pfarrerschaft innerhalb des Territoriums wegen der sprachlichen Unterschiede relativ gering war (freundliche Mitteilung von Frau Dr. Lucienne Hubler). Es ist also nicht anzunehmen, dass eine grössere Zahl jener 96 Universitätsbesucher, zu denen keine Angaben zur späteren Lebensstellung gefunden wurden, in die welschen Landen als Pfarrer geschickt wurden. Zu den Besetzungen der waadtländischen Pfarreien vgl. die Artikel zu den einzelnen Kirchgemeinden in: Eugène Mottaz (Hg.), Dictionnaire historique géographique et statistique du Canton de Vaud, Lausanne 1914/1921, jeweils unter der Rubrik ‚pasteurs'.

sich nach dem Schmalkaldischen Krieg. 1547 wurden bernische Studenten in Wittenberg angewiesen, nach Hause zurückzukehren, da von den Stipendiaten strikte zwinglianische Orthodoxie erwartet wurde. Erst 1557 erreichte Johannes Haller, dass der Kreis der Bildungsinstitutionen wiederum erweitert wurde: *Am 20. Januar hat mann gerathen, die Studenten widerumb auf die Universitäten zu schicken, die wegen der sacramentalischen spans* [i.e. Spannungen] *hievor allein gan Zürich sind geschickt worden*[65]. 1562 stiftete zudem Säckelmeister Johann Anton Tillier die finanziellen Mittel für ein oder zwei Stipdendien für theologische Studien an Universitäten im deutschsprachigen Raum, und der Berner Dekan Johannes Fädminger (1575–1586) tat es ihm 1586 nach – beide Studienfonds bestehen noch heute[66]. In den letzten Jahrzehnten des 16. Jahrhunderts pendelte sich ein Studiengang in der Grössenordnung um die 50 Immatrikulationen pro Dekade ein. Der Zulauf stieg erst im 17. Jahrhundert nochmals kräftig an[67].

Drei Viertel der 216 Studierwilligen stammten nach den Angaben der Matrikelbücher aus Bern selbst, weitere 15 aus Aarau, elf aus Zofingen, acht aus Brugg und drei aus Thun. Die wenigen restlichen Immatrikulanten waren dörflicher Herkunft. Die Einträge in den Matrikeln geben allerdings im 16. Jahrhundert nicht selten nur den Territoriumsnamen und nicht den eigentlichen Herkunftsort der Inskribenten an. Detailstudien würden den Anteil der ländlichen Abstammung wohl noch erhöhen. Das trifft auch auf die genannten Munizipalstädte zu, deren Lateinschulmeister und Räte künftige Pfarrer an die Hohe Schule nach Bern überwiesen, so dass der Ort des letzten Schulaufenthalts die Qualität eines Herkunftsorts erhielt[68]. Insgesamt jedoch, daran ist nicht zu zweifeln, überwog die hauptstädtische Herkunft der Universitätsbesucher.

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[65] Zitiert nach Trechsel (Anm. 1), S. 56, Anm. 1; vgl. auch Eduard Bähler, Das Tagebuch Johann Hallers aus den Jahren 1548–1561 (Archiv des historischen Vereins des Kantons Bern 23), Bern 1917, S. 238–355, hier S. 274.; Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 204–212.

[66] Vgl. Guggisberg, a.O., S. 267.

[67] Vgl. Braun-Bucher, Samuel Frisching (Anm. 6), S. 471f.

[68] Dies gilt insbesondere auch für die Herkunftsangaben der Schüler in der Matrikel der Hohen Schule in Bern, die lediglich Orte mit Lateinschulen angibt. Der prosopographisch angelegte Katalog der Berner Dozenten, von denen einige später Pfarrer wurden, zeigt jedoch, dass die Lehrkräfte nicht selten aus Dörfern der Umgebung Berns oder von weiter her stammten, Die Dozenten der bernischen Hochschule. Ergänzungsband zu: Hochschulgeschichte Berns 1528–1984. Zur 150-Jahr-Feier der Universität Bern 1984, Bern 1984, S. 21–31; Zahnd (Anm. 6), S. 107. Die Matrikel der Universität Bern befindet sich Staatsarchiv des Kantons Bern, Sign. B III 1010.

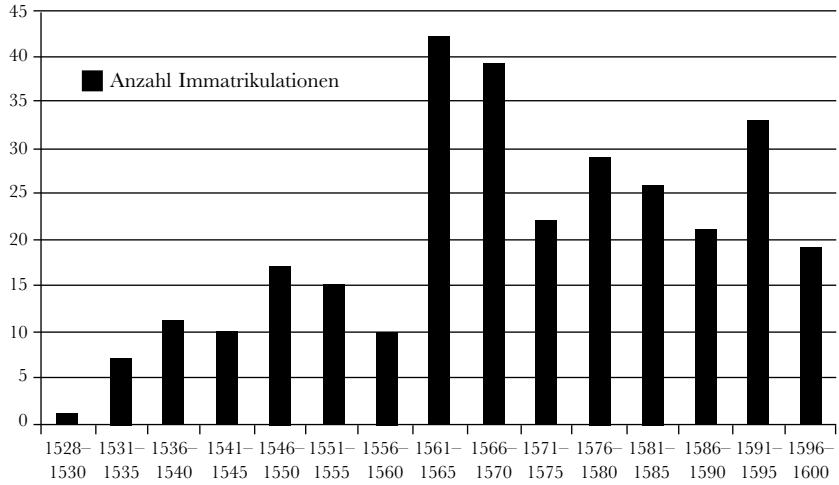

Abb. 1. Immatrikulationen von bernischen Universitätsbesuchern an europäischen Universitäten (1528–1600).

Im Prinzip stand der akademische Wissenserwerb den gleichen Bevölkerungsschichten offen, die bereits die bernischen Lateinschulen besuchen konnten. Es waren jedoch eher die Söhne von Amtleuten, Pfarrern, den sozial höher stehenden Gewerbetreibenden und aus den Ratsgeschlechtern, die überhaupt eine Lateinschule und später vielleicht Universitäten besuchten. Die Beteiligung der Honoratiorengeschlechter am akademischen Bildungserwerb war keine Selbstverständlichkeit, da eine Pfründe im Gegensatz zu den vorreformatorischen Verhältnissen kaum mehr ein erstrebenswertes Karriereziel für diese Klientel bot. In einigen Familien wie den von Erlach, von Mülinen, von Luternau, Stürler oder Manuel herrschte jedoch nach wie vor die Ansicht, dass der Besuch vor allem der ausländischen hohen Schulen nebst den traditionellen Ausbildungsformen, wie dem Aufenthalt an einem Hof, Herrschaftswissen vermitteln konnte[69]. So erstaunt es wenig, dass es vor allem jene Kreise waren, die noch im 16. Jahrhundert italienische und französische Rechtsschulen aufsuchten.

[69] Hierzu Zahnd (Anm. 6), S. 107, mit weiterführender Literatur und für die vorreformatorische Zeit neuerdings ders., Von der Heiliglandfahrt zur Hofreise. Formen und Funktionen adeliger und patrizischer Bildungsreisen im spätmittelalterlichen Bern, in: Grand Tour, hg. von Rainer Babel und Werner Paravicini (Beihefte der Francia 60), Ostfildern 2005, S. 73–88.

Ausser an den genannten sechs Universitäten studierten Immatrikulanten aus dem bernischen Herrschaftsgebiet im nachreformatorischen 16. Jahrhundert noch an weiteren akademischen Bildungsinstitutionen (siehe Abb. 2). In erster Linie sind hier französische Universitäten zu nennen, allen voran Paris. Im Fall von Paris macht sich das Fehlen edierter Quellen besonders deutlich bemerkbar, zumal die französische Hauptstadt von Bernern auch nach 1528 nicht selten aufgesucht wurde, womit diese lediglich eine vorreformatorische Bildungstradition fortsetzten: Das Studium in Paris oder der Besuch am französischen Königshof der Patriziersöhne[70]. Nach dem Ausbruch der Hugenotten-Kriege in Frankreich wurden die Studienaufenthalte von Bernern seltener, zumal ab 1568 alle Examenskandidaten ihre Verbundenheit mit der katholischen Religion beschwören mussten[71]. Trotzdem wurde Paris nicht gänzlich gemieden, vor allem von Personen, die keine Karriere als Pfarrgeistliche anstrebten wie der Patriziersohn Hieronymus von Erlach, der sich 1577 in Paris einschrieb. Zuerst hatte er 1567 in Basel studiert, und anschliessend an Paris immatrikulierte er sich 1579 auch noch in Siena. Seine Studien an katholischen Universitäten hinderten ihn nicht daran, später als Mitglied des Grossen Rats diplomatische Mandate wahrzunehmen, etwa in Gesandtschaften[72].

Ausserdem sind Aufenthalte von Berner Immatrikulanten an der Universität Bourges belegt: Dort lehrte von 1529 bis 1534 Melchior Volmar von Rottweil, der bis 1521 Schulmeister in Bern gewesen war, als Professor für griechische Sprache. Einige Studenten aus der Eidgenossenschaft besuchten seine Vorlesungen, darunter auch Berner sowie der Genfer

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[70] Zum Studium von Bernern in Paris Zahnd (Anm. 27), S. 67f., 237–247, zum Hofbesuch 93–106 und 205f. Zum Studium in Paris vgl. Lawrence W.B. Brockliss, Patterns of Attendance at the University of Paris, 1400–1800, in: Les universités Européennes du XVI^{e} au XVIII^{e} siècle. Histoire sociale des populations étudiantes. Bd. 2: France, hg. von Dominique Julia und Jacques Revel (Recherches d'histoire et de sciences sociales/Studies in History and the Social Sciences 18), Paris 1989, S. 487–526; Michel Parisse (Hg.): Les échanges universitaires franco-allemands du moyen âge au XXe siècle. Actes du Colloque de Göttingen, Mission historique française en Allemagne, Paris 1991; Émile Chatelain, Les étudiants Suisse de Paris aux XV^{e} et XVI^{e} siècles, Paris 1891 (Anhang des Buches: Les étudiants Suisse a l'école pratique des hautes études (1868–1891); Braun-Bucher, Samuel Frisching (Anm. 6), S. 167f.

[71] Brockliss (Anm. 70), S. 491 und 518 (Anm. 10).

[72] Vgl. die Angaben zu seiner Person in: Hans Georg Wackernagel, Die Matrikel der Universität Basel, Bd. 2: 1532/33–1600/01, Basel 1956, S. 170, Nr. 21.

Abb. 2. Rangfolge der zwischen 1528 und 1600 besuchten Universitäten.[73]

Universität	Anzahl Immatrikulationen	
	aller bernischen Immatrikulanten	nur der späteren Pfarrgeistlichen und Lehrpersonen
Basel	138	95
Heidelberg	70	43
Leipzig	24	19
Marburg	23	22
Wittenberg	19	10
Tübingen	8	0
Paris	5	3
Oxford	4	4
Freiburg	2	2
Orléans	2	0
Avignon	1	1
Padua	1	1
Rostock	1	1
Dôle	1	0
Bourges	1	0
Siena	1	1
Montpellier	1	1
Summe	302	203

Reformator Jean Calvin[74]. An der 1498 wieder eröffneten, vor allem auf eine juristische Klientel ausgerichtete Universität Dôle liessen sich ebenfalls bernische Studenten immatrikulieren, wie durch den etwas merkwürdigen Eintrag in der Matrikel von 1555 *Joannes Jacobus a Bern diocesis Friburgensis penultima die martii 1555* zu belegen ist[75]. Auch an der medizinischen hohen Schule zu Montpellier war Bern in der Person

[73] Die Quellengrundlage dieser Zusammenstellung bilden Editionen der Universitätsmatrikel sowie weitere universitätsgeschichtliche Publikationen, vgl. hierzu die Bemerkungen und Zusammenstellungen von Zahnd (Anm. 27), S. 229ff. und 280–285.

[74] Dazu Adolf Fluri, Die bernische Stadtschule und ihre Vorsteher bis zur Reformation. Ein Beitrag zur bernischen Schulgeschichte, in: Berner Taschenbuch 42, 1893/94, S. 51–112, hier S. 105–108.

[75] Fol. 168v; die Matrikel Dôle ist nicht ediert und befindet sich in den Bibliothèques et Archives Municipales de Besançon, Inventarnummer Ms 982–984. Um wen es sich bei diesem Immatrikulanten aus der nicht existenten, wohl mit Lausanne verwechselten Diözese Freiburg handelt, ist nicht bekannt.

von Stephan Consensus oder Cunz 1553 vertreten, der dann weiter nach Avignon zog, wo er den Doktortitel erwarb; später wirkte er als Arzt in Bern[76]. Spätere Pfarrer oder Lehrpersonen suchten allerdings diese Institutionen nicht auf; auch Orléans wurde lediglich von einer an juristischen Studien interessierten Klientel aus den Honoratiorengeschlechtern frequentiert, etwa 1554 von den Gebrüder Anton und Sebastian von Luternau[77].

Künftige Berner Pfarrer oder Schulmeister sind auch kaum mehr nach Italien gezogen. Ein Aufenthalt an einer der prestigeträchtigen Universitäten von Bologna, Padua, Pavia, Ferrara, Siena oder Perugia, die vor der Einführung der Reformation vor allem von finanzkräftigen Juristen und einigen Medizinern (Ferrara) und Theologen (Padua) auch aus der Eidgenossenschaft aufgesucht worden waren, konnte mit einem Stipendium in der Höhe von 40 Gulden nicht finanziert werden[78]. Auch die in vorreformatorischer Zeit in der ganzen Eidgenossenschaft geübte Praxis der Vergabe von Freiplätzen an französischen und italienischen Universitäten an sozial hochstehende Kreise wurde von den reformierten Orten entweder in Eigenregie oder gar nicht mehr fortgeführt[79]. Der Faszination und Anziehungskraft, die die renommierten italienischen Studien seit dem 13. Jahrhundert auf Bildungsbeflissene aus den Regionen nördlich der Alpen ausübten, erlagen jedoch auch noch bernische Studierende des 16. Jahrhunderts. So schwärmte etwa Wolfgang Rebmann, gen. Ampelander, der spätere Pfarrer in Hindelbank und Pfarrhelfer am Berner Münster (gest. 1588), in einem Brief im

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[76] Marcel Gouron (Hg.), Matricule de l'Université de Médecine de Montpellier (1503–1599) (Traveaux d'Humanisme et Renaissance 25), Genf 1957, S. 127; Yvonne Thurnheer, Die Stadtärzte und ihr Amt im alten Bern (Berner Beiträge zur Geschichte der Medizin und der Naturwissenschaften 4), Bern 1944, S. 34.

[77] Vgl. Alphonse Rivier, Schweizer als Mitglieder der „deutschen Nation" in Orléans, in: Anzeiger für schweizerische Geschichte 2, 1874–1877, S. 244ff. und 267, hier S. 245; ausserdem: Sven Stelling-Michaud, L'ancienne université d'Orléans et la Suisse du XIV^{e} aux XVI^{e} siècle, in: Actes du Congrès sur l'ancienne université d'Orléans, S. 123–138, Orléans 1962, hier S. 132ff.

[78] Zu den Studienaufenthalten von Bernern in Italien vgl. Zahnd (Anm. 27), S. 64–72.

[79] Vgl. zu den eidgenössischen Freiplätzen Immenhauser (Anm. 15), S. 183–189; Johannes Baptist Kälin, Zur Geschichte der Freiplätze der eidgenössischen Orte auf der Universität zu Paris und der Schwyzer Studenten daselbst (Mittheilungen des Historischen Vereins des Kantons Schwyz 4), Einsiedeln 1885, S. 63–69 und 71f.; Emilio Motta, Studenti e pensionati svizzeri a Pavia ed a Milano nel 1513, in: Bollettino Storico 19, 1897, S. 104–110. Bern behielt das Institut der Freiplätze für zwei Studenten an der Sorbonne auch nach der Einführung der Reformation noch bei, vgl. Braun-Bucher, Samuel Frisching (Anm. 6), S. 167.

August 1578 aus Basel an den Berner Pfarrer Abraham Musculus von den Vorzügen Paduas, wo seit alters Philosophie und Sprachen gepflegt würden und die grössten Gelehrten herkämen. Gegenüber Einwänden wegen Feindseligkeiten, die ihm als Reformierter in Italien entgegen gebracht werden könnten, meinte er: „…,und die Völker Latiums sind keineswegs so wild und aller Humanität bar, daß sie jeden Fremden um des Glaubens willen angreifen möchten"[80]. In die Tat umgesetzt wurde die Bildungsreise nach Italien allerdings nie – im Januar 1579 wurde Rebmann zum Schuldienst nach Bern gerufen.

Weitere Sprachregionen spielten im 16. Jahrhundert für Bildungsreisen von Pfarrerkandidaten keine grosse Rolle mehr. Die 1575 in Leyden und 1585 in Franeker eröffneten niederländischen hohen Schulen wurden von Bernern erst nach 1600 rege aufgesucht[81]. Gegen Ende der 1570er Jahre hielt sich eine Gruppe von Bernern in Oxford auf, nachdem der Aufenthalt in Leipzig wegen der zunehmenden Intoleranz gegenüber den Zwinglianern von der lutheranischen Seite nicht mehr angezeigt war. So fand sich Wolfgang Rebmann 1577 in Oxford ein und traf sich dort mit dem Berner Wolfgang Müslin. Im Frühjahr 1578 reisten auch noch Brandolf Wasmer und Jakob Moser – ebenfalls wie Müslin später bernische Prädikanten – von Leipzig nach England. Obwohl die vier Berner offenbar von der Qualität des theologischen Unterrichts in Oxford nicht sehr angetan waren, so registrierten sie doch die Einzigartigkeit des Orts. In einem Brief schrieb Wasmer: „Ich glaube, es gebe keinen anderen Ort und keine Akademie, die prächtigere Collegien – und es sind ihrer sehr viele – zum Vortheil der Studierenden aufzuweisen hätten, in denen auch eine große Zahl derselben aus den Einkünften der Stiftungen erhalten werden"[82]. Es blieb jedoch bei kurzfristigen Aufenthalten in England, eine Bildungsreise, die England mit einbezogen hätte, ist nicht auszumachen.

Die Berner Schulherren schickten ihre Zöglinge meistens in den deutschsprachigen Raum zum Universitätsstudium, vor allem jedoch

[80] Zitiert nach Trechsel (Anm. 1), S. 86.

[81] Zum Studium von bernischen Studenten an niederländischen Universitäten Frieder Walter, Niederländische Einflüsse auf das eidgenössische Staatsdenken im späten 16. und frühen 17. Jahrhundert. Neue Aspekte der Zürcher und Berner Geschichte im Zeitalter des werdenden Absolutismus, Zürich 1979, S. 95 und Beilage 1; ausserdem: Alphons Rivier, Die Schweizer auf der Hochschule Leyden 1575–1875, in: Anzeiger für Schweizerische Geschichte 5, 1874, S. 138–16; Braun-Bucher, Samuel Frisching (Anm. 6), S 170ff.

[82] Zitiert nach Trechsel (Anm. 1), S. 80. Zum Studium in Oxford ebd., S. 78–82.

nach Basel (siehe Abb. 2). Von den genannten 216 Immatrikulanten aus dem bernischen Untertanengebiet liessen sich 138 (64 Prozent) zwischen 1528 und 1600 dort einschreiben; von den 108 späteren Staatdienern hielten sich 95 (88 Prozent) zu Studienzwecken am Rheinknie auf. Vor der Reformation hatte sich das Basler Generalstudium längst zur von Eidgenossen am stärksten frequentierten hohen Schule entwickelt und diesen Stellenwert behielt sie auch nachher[83]. Die konfessionelle Ausrichtung der Lehre in Basel entsprach im wesentlichen den Vorstellungen Berns, so dass der Besuch dieser Universität aus der Sicht der Bildungsverantwortlichen der Stadt gleichsam unbedenklich war. Im Schnitt bezogen etwa zwei bis drei spätere Pfarrer oder Lateinschulmeister pro Jahr die hohe Schule in Basel, gegen Ende des 16. Jahrhunderts dann allerdings etwas weniger, zumal sich die Studien dort kaum noch von denjenigen an den reformierten Hohen Schulen Berns oder Zürichs unterschieden und deshalb Universitäten ausserhalb der Eidgenossenschaft bevorzugt aufgesucht wurden[84].

Nach dem Basler Generalstudium wurde die Heidelberger Bildungsinstitution am zweithäufigsten von bernischen Studenten besucht. Insgesamt konnten zwischen 1528 und 1600 70 Immatrikulationen von Personen aus der untersuchten Region nachgewiesen werden, wovon wiederum 43 Inskribenten später als Pfarrer oder Schulmeister oder in anderen staatlichen Funktionen tätig waren. Im Gegensatz zu Basel verteilte sich der Aufenthalt von Bernern an dieser Universität nicht mehr oder weniger regelmässig über das ganze 16. Jahrhundert, sondern er konzentrierte sich auf den Zeitraum ab den späten 1550er Jahren, was die konfessionelle Entwicklung im pfälzischen Kurfürstentum widerspiegelt: Kurfürst Ottheinrich führte erst 1556 die Reformation in seinem Territorium ein. Sein Nachfolger Friedrich III. bekannte sich dann 1559 zur reformierten Konfession calvinistischer Prägung und im selben Jahr traf mit Thüring Rust aus Trub im Emmental, der spätere Pfarrer, Theologiedozent und Thuner Dekan, auch schon der erste Berner Student in Heidelberg ein[85]. Indem Bern den 1563 unter

[83] Vgl. hierzu Marc Sieber, Die Universität Basel und die Eidgenossenschaft 1460 bis 1529. Eidgenössische Studenten in Basel (Studien zur Geschichte der Wissenschaften in Basel 10), Diss. phil. Basel 1960; für Berner Universitätsbesucher Zahnd (Anm. 27), S. 66f.

[84] Zum allmählichen Rückzug eidgenössischer Besucherschaften aus Basel Edgar Bonjour, Die Universität Basel von den Anfängen bis zur Gegenwart 1460–1960, Basel 1960 (2. Auflage 1971), S. 242f.

[85] Zu Rust vgl. Dozenten (Anm. 68), S. 22f., Nr. 9.

Mithilfe von Heinrich Bullinger verfassten Heidelberger Katechismus übernahm, demonstrierte es seine vertrauensvolle Haltung gegenüber der reformierten Ausrichtung der pfälzischen Bildungsinstitution in jenen Jahren[86]. Es entwickelte sich ein reger Zulauf von Berner Inskribenten nach Heidelberg – mit einem Unterbruch zwischen 1577 und 1583, als die lutheranische Partei unter Kurfürst Ludwig VI. die Oberhand gewann –, der dann erst mit dem Ausbruch des Dreissigjährigen Krieges 1618 endete[87]. Ein reger Briefwechsel der Familie Rebmann und anderer Berner Studenten in Heidelberg bezeugt die hohe Qualität des Unterrichts in den 1580er Jahren[88]. Insbesondere gelang es dem Berner Rat, seinen Schützlingen Eingang in das streng geführte *Collegium Sapientiae*, das theologische Seminar in Heidelberg, zu verschaffen[89]. Wolfgang Rebmann bekundet in einem Brief vom 23. März 1587 an seinen jüngeren Bruder Rudolf, der damals einer der Stipendiaten in der Sapienz war, seine Hochachtung gegenüber dieser Institution: „Du weißt nicht, wie sehr wir alle über Deinen Eintritt in diese Anstalt, diese zweite platonische Akademie, erfreut sind, aus welcher man Alle, selbst die minder begabten, sie mögen wollen oder nicht, um etwas gelehrter hervorgehen sieht"[90].

Die 1527 gegründete hessische Landesuniversität Marburg profitierte unter Landgraf Philipp von Hessen (1518–1567) von einer Religionspolitik, die vor allem auf einen Konsens zwischen den evangelischen Konfessionen bedacht war. In diesen Jahren, aber auch später noch, als sich die Universität nach der Landesteilung unter Landgraf Ludwig IV. eher dem lutheranischen Bekenntnis verpflichtete, zogen immer wieder Studierende aus dem bernischen Territorium an die Lahn, häufig als Zwischenstation auf einer Bildungsreise. Die insgesamt 23 Immatrikulationen bis 1600 weisen aber daraufhin, dass Marburg nicht die Bedeutung von Heidelberg oder gar Basel für den Bildungserwerb

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[86] Vgl. hierzu Andreas Mühling, Heinrich Bullingers europäische Kirchenpolitik (Zürcher Beiträge zur Reformationsgeschichte 19), Bern 2001, S. 104–131; Eike Wolgast, Reformierte Konfession und Politik im 16. Jahrhundert. Studie zur Geschichte der Kurpfalz im Reformationszeitalter (Schriften der philosophisch-historischen Klasse der Heidelberger Akademie der Wissenschaften 10), Heidelberg 1998, S. 74–82.

[87] Zur internationalen Ausstrahlung Heidelbergs Eike Wolgast, Die Universität Heidelberg 1386–1986, Berlin u.ö. 1986, S. 40f.

[88] Vgl. Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 267; Trechsel (Anm. 1), S. 104–117.

[89] Vgl. hierzu Eike Wolgast, Das Collegium Sapientiae in Heidelberg im 16. Jahrhundert, in: Zeitschrift für die Geschichte des Oberrheins, Bd. 147, 1999. S. 303–318.

[90] Zitiert nach Trechsel (Anm. 1), S. 111.

aus dieser Region hatte. Zwar unterrichtete der aus Bätterkinden (BE) stammende, spätere Dozent der Berner Hohen Schule Benedikt Marti oder Aretius (gest. 1574) 1548/49 dort an der artistischen Fakultät, doch scheint dies keine kontinuierliche Bindung Berns mit der Bildungsinstitution in Marburg bewirkt zu haben. Zudem beschränkte sich der Aufenthalt von Bernern im 16. Jahrhundert auf den Zeitraum zwischen 1540 und 1588. Warum zwischen 1528 und 1540 Marburg kein Ziel darstellte, ist unklar. Aus konfessioneller Sicht bestanden keine Hindernisse, und die Tatsache, dass die Universität erst 1541 ein kaiserliches Privileg erhielt, so dass erst ab diesem Zeitpunkt in Marburg erworbene akademische Grade allgemeine Gültigkeit hatten, dürfte nicht ausschlaggebend gewesen sein, zumal gerade universitäre Titel kaum mehr angestrebt wurden[91]. Eindeutig ist hingegen die bernische Besucherschaft in Marburg zu bewerten: Dorthin wandten sich fast ausschliesslich künftige Pfarrgeistliche, hingegen keine Söhne aus dem bernischen Patriziat (siehe Abb. 2).

Mit Marburg ist die letzte Universität im deutschsprachigen Raum genannt, an der Studierende aus dem bernischen Territorium wegen ihrer konfessionellen Zugehörigkeit nicht mit grösseren Schwierigkeiten zu rechnen hatten. Das galt für die restlichen hohen Schulen von Tübingen, Leipzig und Wittenberg, die in nennenswerter Zahl künftige bernische Pfarrgeistliche und Schulmeister empfingen, nicht oder nur teilweise. Geleitet wurde die Wahl des Studienorts jedoch nicht immer nur von der Glaubensrichtung, sondern sie führte auch ältere Traditionen des akademischen Bildungserwerbs fort, wie es beispielsweise für das Tübinger Generalstudium zu beobachten ist. Berner Studierende frequentierten die 1477 eröffnete württembergische Landesuniversität bereits in vorreformatorischer Zeit kaum – die Tübinger Matrikelbücher verzeichnen lediglich an die zehn Einträge von Inskribenten aus dieser Region bis 1528[92]. Auch nach der Reformation entwickelte sich kein intensiver Zulauf nach Tübingen, so dass bis 1600 gerade mal acht

[91] Hierzu Roderich Schmidt, Die kaiserliche Bestätigung der Marburger Universitätsgründung von 1527 durch Karl V. 1541, in: Zeitschrift des Vereins für Hessische Geschichte und Landeskunde, 108, 2003, S. 75–94. Auch die Besucherschaft aus Zürich frequentierte Marburg vorwiegend ab den 1540er Jahren, vgl. Wilhelm Falckenheiner (Hg.), Personen- und Ortsregister zu der Matrikel und den Annalen der Universität Marburg 1527–1652, Marburg 1904 (Ndr. Nendeln 1980).

[92] Vgl. die Zusammenstellung bei Zahnd (Anm. 27), S. 277f. Nicht alle Zuordnungen sind zweifelsfrei, deshalb die ungefähre Zahlenangabe. Auch die Freiburger und Ingolstädter Universitäten wurden aus der Region Bern nicht häufiger besucht.

bernische Immatrikulanten nachzuweisen sind. Zudem schloss sich Württemberg und damit auch die Universität immer eindeutiger der lutheranischen Konfession an[93], so dass die Berner Schulherren kaum mehr Stipendiaten nach Tübingen schickten. Abgesehen vom Berner Dekan Johannes Haller, der 1539/40 jedoch noch mit einem zürcherischen Stipendium versehen nach Tübingen zog, wurde keiner der Immatrikulanten später im bernischen Kirchen- oder Schuldienst tätig. Der 1540 in Bern geborene Johann Jakob Grynaeus (gest. 1617), der spätere Basler Theologieprofessor und Antistes, suchte gerade Tübingen 1562/63 für seine theologische Promotion auf, weil er in diesen Jahren noch der lutheranischen Abendmahlslehre anhing[94]. Für Pfarrerkandidaten schien jedoch aus Berner Optik ein Aufenthalt nicht angezeigt[95].

Das geringe Interesse an einem Studienaufenthalt vor 1528 galt auch für das Wittenberger Generalstudium. Bernische Studierwillige besuchten es im Gegensatz zu denjenigen aus Zürich oder St. Gallen vor der Reformation kaum[96]. Bis 1600 allerdings – hauptsächlich nachdem Martin Luther 1546 gestorben war – zogen vor allem einige Gruppen von Studierenden aus der Region Bern an das ernestinische Generalstudium. 1591 folgten sechs und 1593 nochmals zwei Pfarrerkandidaten der Anziehungskraft der ehemaligen Wirkungsstätte Luthers und Melanchthons[97]. Die Universität in Leipzig wurde mit 24 Inskriptionen von Bernern etwas intensiver aufgesucht als Wittenberg (siehe Abb. 2). Die Bildungsinstitution genoss vor allem in den 1570er Jahren einen guten Ruf in der Eidgenossenschaft, bis mit der Einführung der Konkordienformel, was den Übergang zur lutheranischen Orthodoxie

[93] Dazu Richard L. Harrison, The Impact of the Reformation on the Students at the University of Tübingen, in: Miriam Usher Chrisman, Otto Gründler (Hgg.), Social Groups and Religions Ideas in the Sixteenth Century (Studies in Medieval Culture 13), Kalamazoo/Michigan 1978, S. 76–84.

[94] Zu Grynaeus Thomas K. Kuhn, „Grynaeus, Johann Jakob", in Historisches Lexikon der Schweiz [elektronische Publikation HLS], Version vom 27.09.2005.

[95] Vgl. auch den Hinweis bei Trechsel (Anm. 1), S. 97, Anm. 2, wonach 1584 in Tübingen ein Erlass ausgegeben wurde, dass alle calvinistischen Ungaren und Schweizer von der Universität zu entfernen seien.

[96] Vgl. Zahnd (Anm. 27), S. 279; Beat Immenhauser, St. Gallen und der Universitätsbesuch um 1500, in: Personen der Geschichte – Geschichte der Personen. Studien zur Kreuzzugs-, Sozial- und Bildungsgeschichte, hg. von Christian Hesse, Beat Immenhauser, Oliver Landolt und Barbara Studer, Basel 2003, S. 285–302, hier S. 289.

[97] Zu den Schwankungen der konfessionellen Haltung in Wittenberg vgl. Kurt Aland, Die theologische Fakultät Wittenbergs und ihre Stellung im Gesamtzusammenhang der Leucorea während des 16. Jahrhunderts, in: Ders., Kirchengeschichtliche Entwürfe, Gütersloh 1960 [Ndr. Halle 1952], S. 283–394.

bedeutete, der Aufenthalt von Bernern in Leipzig problematisch wurde[98]. Erst um 1590 zogen wieder Bildungsbeflissene nach Kursachsen zum Studium. Meistens unternahmen Stipendiaten des Schulrats die weite Reise nach Leipzig, so dass ein Grossteil später bernische Pfarrer oder Schulmeister wurden (siehe Abb. 2).

Es vermag kaum zu erstaunen, dass katholische Universitäten im deutschsprachigen Raum für die künftige Pfarrgeistlichkeit Berns für den auswärtigen Bildungserwerb kaum mehr in Frage kamen. Der konfessionalisierte Studiengang ist sehr bald nach 1528 Realität geworden. Einzig Michael Keyserisen aus Brugg tauchte 1562 in Freiburg auf, nachdem er zuvor Pfarrer im aargauischen Mönthal gewesen war. Später scheint er wiederum das Amt in seiner angestammten Pfarrei übernommen zu haben, 1566 ist er als Lateinschulmeister belegt und schliesslich als Pfarrer in Oberwil (gest. 1598)[99]. Was ihn dazu bewogen hatte, die habsburgische Universität in Vorderösterreich aufzusuchen, kann nicht geklärt werden – es blieb jedenfalls im 16. Jahrhundert bei diesem Einzelfall[100]. Die Einführung der neuen Lehre in Bern setzte auch den – nie sehr zahlreichen – Studiengängen an die grossen Universitäten von Wien und Köln ein Ende, während das Erfurter Generalstudium nach der Reformationszeit für des gesamte Reich stark an Bedeutung verlor[101].

Nach diesem Rundgang durch einige Universitäten Europas, die bernische Studierwillige anzuziehen vermochten, ist die Frage zu stellen, was diese Inskribenten nach Hause brachten, welche Qualifikationen sie sich dort erworben haben, die ihnen nicht auch an den Schulen in Zürich, Lausanne, Genf oder Straßburg geboten worden wären, die keine Universitäten im traditionellen Sinn waren[102]. Aus Briefen von Universitätsbesuchern nach Hause und Einträgen in den Matrikeln von Basel und Heidelberg erfahren wir, dass sie vor allem artistischen und

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[98] Vgl. hierzu die Schilderungen der Leipziger Verhältnisse in den Briefen von Valentin Rebmann nach Bern 1577, Trechsel (Anm. 1), S. 76ff. Ausserdem Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 267.

[99] Hermann Mayer (Hg.), Die Matrikel der Universität Freiburg im Breisgau von 1460–1656, Teil 1, Freiburg im Breisgau 1907, S. 464, Nr. 3; Pfister, Die reformierten Pfarrer (Anm. 5), S. 134; Lohner (Anm. 5), S. 646.

[100] Der in Abbildung 2 aufgeführte zweite Immatrikulant war der Berner Stadtarzt und Dozent an der Hohen Schule, Johannes Hasler, vgl. zu ihm Anm. 104.

[101] Vgl. Zahnd (Anm. 27), S. 70f., S. 273f. und 278f.; Beat Immenhauser, Universitätsbesuch zur Reformationszeit. Überlegungen zum Rückgang der Immatrikulationen nach 1521, in: Jahrbuch für Universitätsgeschichte 6, 2003, S. 69–88, hier S. 86.

[102] Zur Position der Genfer Akademie vgl. Maag (Anm. 4).

theologischen Studien nachgingen, wie dies auch nicht anders zu erwarten war. Um die gelehrten Rechte kümmerten sich wenn überhaupt vor allem Söhne aus sozial hochstehenden Kreisen wie die bereits erwähnten Anton und Sebastian von Luternau, die 1554 in Orléans immatrikuliert waren[103]. Medizinische Bildung auf akademischem Niveau suchte ebenfalls nur eine sehr kleine Gruppe von vier Personen bis 1600, wie etwa Johannes Hasler von Oberdiessbach (BE), der nach Studien in Basel, Heidelberg und Leipzig in Freiburg 1576 den medizinischen Doktorgrad erwarb und 1582 Stadtarzt in Bern wurde, später jedoch wegen seiner antitrinitarischen Gesinnung verfolgt wurde[104].

Zusätzliche Qualifikationen im Sinne von akademischen Titeln strebten bernische Universitätsbesucher kaum und die künftige Pfarrgeistlichkeit schon gar nicht an. Gerade mal zwölf oder knapp sechs Prozent der 216 untersuchten Immatrikulanten durchliefen ein universitäres Examen[105]. Fünf davon waren später vor allem als Lehrpersonen tätig, wie etwa Salomon Plepp (gest. 1583), der nach dem Erwerb des artistischen Magistertitels 1573 in Basel zunächst an der Lateinschule in Zofingen und von 1578 bis 1583 an der Hohen Schule in Bern Philosophie und Musik unterrichtete[106]. Die Zurückhaltung gegenüber Graduierungen gehörte zu einer Form des reformierten Bildungserwerbs, der solche Auszeichnungen für überflüssig erachtete[107]. Insbesondere von den Stipendiaten wurde keineswegs verlangt, dass sie ihren Bildungserwerb mit Titeln dokumentierten. Heinrich Bullinger verbot seinen Zürcher Schützlingen in Marburg geradezu, das artistische Magisterexamen abzulegen, weil zu Hause niemand danach fragen würde, ob sie an der Universität Magister oder Diener gewesen seinen, sondern ob sie gelehrt und tugendhaft seien[108].

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[103] Rivier (Anm. 77), S. 245; zum Besuch der höheren Fakultäten von bernischen Universitätsbesuchern, vgl. Zahnd (Anm. 27), S. 84.

[104] Zu seiner Person Wackernagel (Anm. 72), S. 159, Nr. 27; Thurnheer (Anm. 76), S. 43f.; Dozenten (Anm. 68), S. 23, Nr. 22.

[105] Je vier artistische Bakkalare und Magister und je zwei Doktoren der Theologie und der Medizin. Bis zur Reformation war der Anteil von Trägern akademischer Titel unter den bernischen Studierenden mit rund 20 Prozent noch wesentlich höher, vgl. Zahnd, Bildungswesen, S. 84f.

[106] Wackernagel (Anm. 72), S. 213, Nr. 23; Dozenten (Anm. 68), S. 23, Nr. 20.

[107] Vgl. hierzu Im Hof (Anm. 6), S. 213, sowie allgemeiner zu den Veränderungen im Bildungswesen nach der Reformation Immenhauser (Anm. 101).

[108] Heinrich Bullinger an Rudolf Gwalter, Zürich, 29. November 1540: *Ubi domum redieritis et ecclesiae vices erunt rependendae, nemo rogabit, num sitis magistri an famuli, sed quam docti et boni*, Bullinger (Anm. 34), Bd. 10: Briefe des Jahrs 1540, hg. von Hans Ulrich Bächtold und Rainer Henrich, Zürich 2003, S. 192.

Wenn der Graduierungsaspekt nicht mehr im Vordergrund stand, so liess es doch mindestens ein Viertel der bernischen Studierwilligen nicht beim Besuch nur einer Universität bewenden, sondern begab sich auf eine grössere Bildungsreise, die sie an zwei oder mehrere hohen Schulen führte. Zum Vergleich: Universitätsbesucher aus dem eidgenössischen Sprengel des Bistums Konstanz suchten bis zur Reformationszeit zu 17 Prozent mehr als eine hohe Schule auf[109]. Diese Tendenz, den Studiengang zu einer grösseren Bildungsreise auszudehnen, nahm im Laufe des 16. Jahrhunderts zu. In der Regel betrug die Aufenthaltsdauer nur eine kurze Zeitspanne, manchmal nicht einmal ein ganzes Semester, so dass selbst Bildungsbeflissene, die mehrfach die Universität wechselten, kaum länger als drei oder vier Jahre weg waren. Das Ende des Auslandaufenthalts vor allem der Stipendiaten, wurde nicht selten von Bern aus festgelegt, da die Kandidaten auf eine Schulmeister- oder Pfarrerstelle eingesetzt worden waren und deshalb zurückgerufen wurden. Jakob Gross aus Zofingen (gest. 1616) etwa zog 1566 auf die hohen Schulen von Heidelberg und Marburg und wurde aber noch im selben Jahr wieder zurück beordert, um eine Stelle als Siechenprediger in Bern zu versehen[110]. Man wird demnach davon ausgehen müssen, dass auch die bernischen Besucher von Universitäten einen höchst unterschiedlichen Gewinn aus ihren weiteren Bildungsbemühungen gezogen haben dürften – wie dies selbstverständlich bereits vor der Reformation der Fall gewesen war. Von obrigkeitlicher Seite existierten jedenfalls keine präzisen Qualifikationsvorstellungen ausser einem eher vagen Wunsch, der Gang an auswärtige Universitäten möge den Bildungsstand der künftigen Pfarrer und Schulmeister ganz allgemein heben. Der Erfolg hing sicherlich von der Aufenthaltsdauer ab und dem persönlichen Engagement des Studierwilligen. Um sich an eine Antwort auf das gestellte Problem anzunähern, wie sich die Universitätsbildung im 16. Jahrhundert zur ‚normalen' Ausbildung in Bern selbst verhielt, sei abschliessend kurz untersucht, ob sich der akademische Wissenserwerb später auf das berufliche Fortkommen auswirkte, ob die ehemaligen Studenten anspruchsvollere Funktionen erhielten als ihre nicht universitär gebildeten Kollegen.

[109] Zur akademischen Migration Immenhauser (Anm. 15), S. 125–128.

[110] Lohner (Anm. 5), S. 53, 136, 552 und 583; Pfister, Die reformierten Pfarrer (Anm. 5), S. 88 (Nr. 161), 122 (Nr. 915), 157 (Nr. 1684).

Fazit: Vom Nutzen des Universitätsbesuchs

Das Wahlprozedere für die bernischen Prädikanten sah vor, dass sich die ins Ministerium aufgenommenen Kandidaten auf eine frei werdende Stelle bewerben konnten. Der Kirchenkonvent, bestehend aus den Berner Pfarrern und Dozenten der Theologie, schlug dann dem Kleinen Rat einige Prädikanten vor, der wiederum die endgültige Wahl traf [111]. Am Anfang einer geistlichen Laufbahn erlangten sie jedoch noch nicht die einträglichen Pfründen, so dass sowohl Nichtakademiker als auch Akademiker in der Regel zuerst eine eher kleinere Pfarrei oder Helferei annehmen mussten, bevor sie sich auf die grösseren Stellen bewerben konnten. In dieser Hinsicht zeigte die professionale Entwicklung auch mit abweichenden Ausbildungswegen noch keine Unterschiede – mit der Ausnahme allerdings, dass ehemalige Universitätsbesucher ihre Karriere nicht selten als Lateinschulmeister begannen. Insbesondere im Aargau, an den Schulen von Zofingen, Brugg oder Aarau, finden sich etliche ehemalige Inskribenten wieder, die dort ihre Laufbahn begannen. Kaspar Seelmatter aus Zofingen etwa unterrichtete nach seinen Studien in Basel 1592 und Heidelberg 1593 zunächst ein paar Jahre an der Lateinschule seiner Heimatstadt, bevor er 1600 die Pfarrei Kulm übernehmen konnte[112]. Später jedoch sind Pfarrer mit einem akademischen Hintergrund häufiger in den Städten des bernischen Territoriums und auf gut dotierten Pfarreien sowie (teilweise ehemaligen) Dekanaten anzutreffen[113]: Bern, Aarau, Zofingen, Brugg, Thun, Burgdorf, Büren an der Aare, Signau oder Reitnau (siehe Abb. 3)[114]. Den grössten Bedarf nach universitär ausgebildeten Prädikanten und Lehrpersonen hatte die Hauptstadt selbst, wo im Laufe des 16. Jahrhunderts mindestens 30 ehemalige bernische Studenten tätig waren, nebst den von ausserhalb des Untertanengebiets stammenden Akademikern. Damit lässt sich festhalten, dass ein Universitätsbesuch die Chancen erhöhte, später auf

[111] Zum Wahlprozedere vgl. Pfister, a.O., S. 22ff.

[112] Vgl. Pfister, a.O., S. 124 (Nr. 956).

[113] Zur Dekanatseinteilung vgl. Brigitte Degler-Spengler (Hg.), Das Bistum Konstanz, das Erzbistum Main, das Bistum St. Gallen. Erzbistümer und Bistümer II (Helvetia Sacra. Abt. I, Bd. 2, zwei Teile), Basel/Frankfurt am Main 1993, S. 883–889, sowie Patrick Braun (Hg.), Le diocèse de Lausanne (VI^{e} siècle–1821), de Lausanne et Genève (1821–1925) et de Lausanne, Genève et Fribourg (depuis 1925) (Helvetia Sacra. Abt. I, Bd. 4), Basel 1988, S. 411–436.

[114] Vgl. zu den Einkommensverhältnissen in den aargauischen Pfarreien Pfister, Die reformierten Pfarrer (Anm. 5), S. 38–43.

sozial angesehenere und einträglichere Positionen vorzustossen. Der umgekehrte Schluss jedoch, dass bedeutendere kirchliche Ämter gleichsam akademisiert, ausschliesslich mit ehemaligen Universitätsbesuchern besetzt worden wären, ist hingegen nicht zulässig. Selbst die höchsten geistliche Funktionsträger, die Berner Dekane, waren nicht immer universitätsgebildet. Johannes Fädminger (1575–1586) und Samuel Schnewli (gen. Nivinus, 1592–1602) scheinen jedenfalls, soweit sich dies eruieren liess, nach dem Besuch der Berner Hohen Schule keine Universität besucht zu haben[115]. Eine Besetzungspraxis, die akademisch gebildete Kandidaten für solche Positionen bevorzugt hätte, ist nicht auszumachen. Höhere Bildung war schliesslich nur ein Faktor unter anderen, der zu einem professionalen Erfolg verhalf. Soziale Vernetzung mit einflussreichen Personen und familiäre Traditionen waren ebenso ausschlaggebende Faktoren bei der Vergabe dieser Positionen. Das informelle Rekrutierungssystem innerhalb der eigenen Familie war auch in Bern sehr wohl bekannt. Es äusserte sich in veritablen Pfarrerdynastien mit gesellschaftlicher Anbindung an die Ratsgeschlechter wie die der Müslin/Musculus, aus der über 20 Prädikanten stammten[116], oder der Huber, Haller, Rebmann oder Gruner[117].

Am Ende dieser Bemerkungen zur Pfarrerbildung im bernischen Gebiet des 16. Jahrhunderts ist zu bilanzieren: Die Hauptlast der Ausbildung der Kandidaten für ein Predigeramt trug das lokale Schulsystem, die Lateinschulen in Bern und den Munizipalstädten sowie die Hohe Schule. Eine Minderheit von ausgewählten Abgängern begab sich auf eine meistens nur kurze Zeit währende akademische Bildungsreise, die häufig lediglich nach Basel führte, oder dann an Universitäten, die in ihrer konfessionellen Ausprägung der Berner Religionsauffassung nicht allzu stark zuwider liefen. Gegen Ende des 16. Jahrhunderts dürfte der Anteil universitätsgebildeter Pfarrgeistlicher im bernischen Territorium (ohne das Waadtland) an die 20 Prozent betragen haben[118]. Damit ist

[115] Vgl. Lohner (Anm. 5), S. 30.

[116] Vgl. Theodor Im Hof, „Müsli“, in: Historisch-biographisches Lexikon der Schweiz, Bd. 5, S. 204, Neuenburg 1929.

[117] Zu Pfarrer- und Gelehrtendynastien allgemein vgl. Wolfgang Reinhard, Kirche als Mobilitätskanal der frühneuzeitlichen Gesellschaft, in: Ständische Gesellschaft und soziale Mobilität, hg. von Winfried Schulze (Schriften des Historischen Kollegs, Kolloquien 12), München 1988, S. 333–351, hier S. 349ff.

[118] Der Schätzung von Kurt Guggisberg folgend, dass die rund 200 bernischen Pfarreien zwischen 1528 und 1600 durchschnittlich acht mal neu besetzt wurden, ist mit 1'600 Besetzungen zu rechnen, zu denen nochmals 328 Einsetzungen in den 41 aargau-

der vorreformatorische Wert von ungefähr einem Fünftel am Ende des hier untersuchten Zeitraumes wiederum erreicht. Im Vergleich etwa mit dem Württemberger Territorium, dessen Pfarrer in der zweiten Hälfte des 16. Jahrhunderts zu 75 Prozent über einen akademischen Bildungshintergrund verfügten[119], mag dies gering erscheinen. Der Vergleich ist jedoch nur bedingt zulässig: Die zentralisierte Pfarrer- und Schulmeisterausbildung Württembergs am Tübinger Stift war an die Universität angegliedert und dadurch per se akademisiert. Eine darüber hinaus reichende studentische Migration ist auch in Württemberg nicht im grösseren Ausmass festzustellen[120]. Bern aber sicherte sich mit seiner Bildungspolitik, geeignete Pfarrerkandidaten an auswärtige hohe Schulen und Universitäten zu schicken und gleichzeitig mit einem Stipendium zu versehen, den Anschluss an die evangelische Gelehrtengemeinschaft Europas – eine Politik, die manchem Staatswesen heutzutage noch gut anstehen würde[121].

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ischen Kirchgemeinden hinzuzuzählen sind, Guggisberg, Bernische Kirchengeschichte (Anm. 5), S. 262f.; Pfister, Die reformierten Pfarrer (Anm. 5), S. 63. Diese geschätzten 1'928 Besetzungen dürften sich auf 600 bis 700 Personen verteilt haben, wenn davon ausgegangen wird, dass ein Pfarrer während seiner Laufbahn im Durchschnitt drei mal die Stelle gewechselt hat. Ein Universitätsbesuch liess sich von 102 Pfarrgeistlichen nachweisen, wobei es sich dabei um eine minimale Anzahl handelt, da mit Sicherheit nicht alle ehemaligen Immatrikulanten erkannt wurden, vor allem diejenigen nicht, die nicht aus dem bernischen Territorium stammten, so dass von einer Zahl in der Grössenordnung von vielleicht 120 bis 140 Akademikern ausgegangen werden sollte, was eine Akademikerquote zwischen 17 und 23 Prozent ergibt.

[119] Hierzu Bernard Vogler, Rekrutierung, Ausbildung und soziale Verflechtung: Karrieremuster evangelischer Geistlichkeit, in: Archiv für Reformationsgeschichte 85, 1994, S. 225–233, hier S. 229.

[120] So Vogler, a.O., S. 230.

[121] Zur Entwicklung des bernischen Universitätsbesuchs im 17. Jahrhundert vgl. Braun-Bucher, Samuel Frisching (Anm. 6), S. 211–214 und S. 471–474.

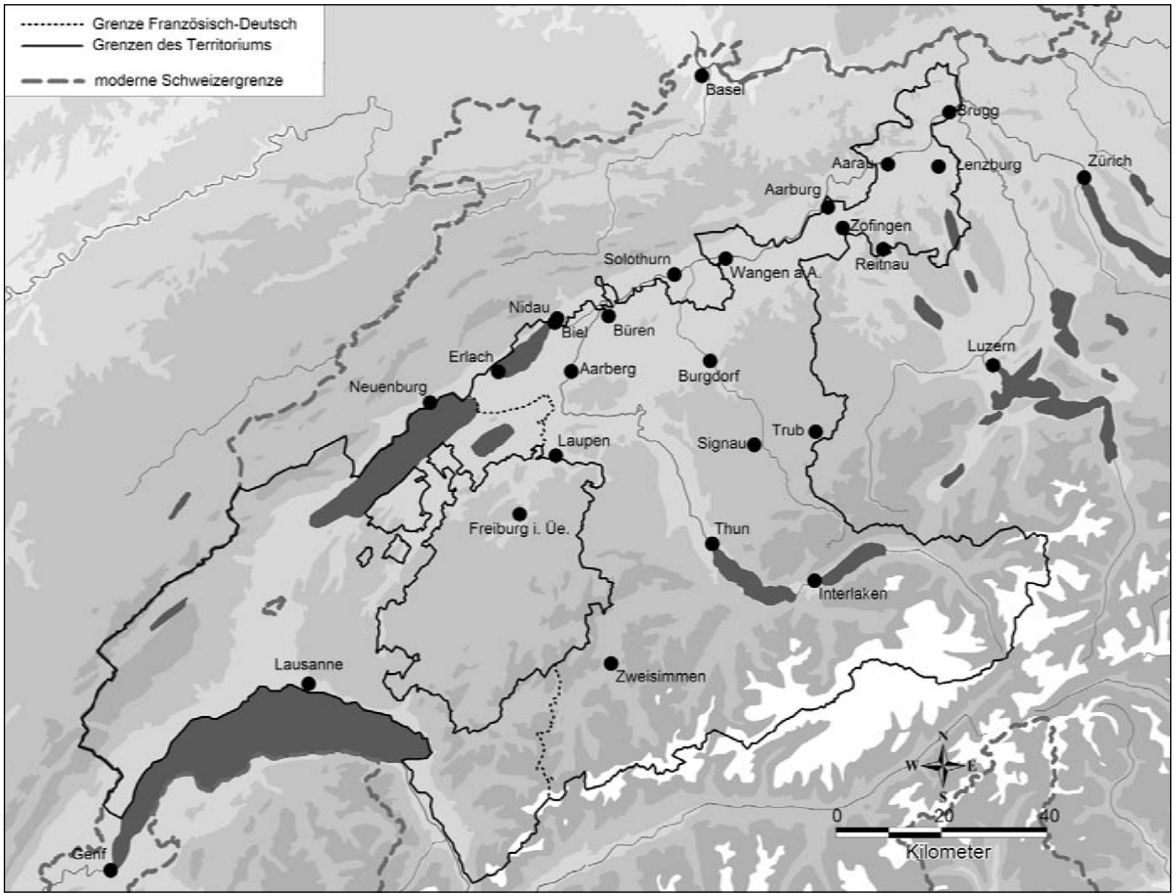

Abb. 3. Das bernische Territorium am Ende des 16. Jahrhunderts.*

* Ich danke Frau Dr. phil. Barbara Studer Immenhauser für die Herstellung dieser Karte.

LET THE PUNISHMENT FIT THE CRIME: THE SOCIAL MIRACLE AND CRIMINAL SENTENCING IN EARLY MODERN LEIDEN

C. Nathan Bartlett and Laura Ford Cruz

In 1552, the civil court of the Dutch city of Leiden charged Jan Claeszn, a book binder, with the crime of writing down the words to scandalous little songs (*scandaleuse liedjes*). The court sentenced the unfortunate Heer Claeszn to carry a lit candle in an embarrassing procession through the city streets and to offer it publicly to the clergy of the Pieters Kerk.[1] Further, rather than receiving the more common sentence of exile, he was forbidden to leave Leiden for one year. Approximately a century later, Adam Andrieszn, a textile worker, was similarly charged with singing forbidden songs but his punishment was much different—he landed an eight day stay in a public work house and faced banishment for twelve years.[2] These two minor cases, both drawn from the court records of the Dutch town Leiden, suggest that attitudes towards crime, criminality, and punishment changed radically over the course of the seventeenth century. The interesting and unanswered question, though, is what do these changes mean? In England especially, early modern historians have attempted to tease social significance from scanty crime records, but attempts to do so for the Netherlands have been limited. Historians frequently characterize Dutch society in the early modern period as 'precocious', exceptional, or distinct from her fellow European polities, making the urban centers of the young republic an intriguing test case for the efficacy of broad social explanations of crime. An examination of crime in Leiden therefore can have implications for the social history of seventeenth-century Europe beyond the confines of its tiny northwestern corner.

Many questions about early modern crime remain unanswered or unexplored first and foremost because of trouble with the sources.

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[1] H.M. van den Heuvel, De Criminele Vonnisboek van Leiden 1433–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8), 6.

[2] Van den Heuvel, 273.

Criminal records in the early modern period are very tricky sources with which to work.[3] As Bruce Lenman and Geoffrey Parker note, to attempt to study them as one might study more modern records "is to display more enthusiasm than good judgment."[4] Multiple law codes and overlapping or unclear jurisdictions make tough work out of assembling complete pictures of patterns of crime. The Netherlands did not have a common law tradition, but local law codes abounded and mixed in with the imposition of law from above, most notably Charles V's Carolina in 1532. The Carolina was not so much a law code as a set of "recommended guidelines" aimed specifically to regularize procedures in the local criminal courts.[5] Trial procedures, which often rested on the motivation and funds of those involved, were instigated only in selected cases and did not operate uniformly or consistently.

Even when they did, record keeping was subject to the personal pecadillos of the notaries, many of whom did not possess the modern preference for precision. By the late sixteenth century, the recording of criminal trials had become somewhat more regularized. In early modern Leiden, the *schout* (roughly equivalent to the office of sheriff) noted interrogations in the *confessieboeken* (confession books) and sentences in the *vonnisboeken* (sentencing books). In comparing the two books, Els Kloek found 542 sentences in the *vonnisboeken* that had no corresponding entries in the *confessieboeken*.[6] Entries in the Leiden sentencing records are brief, usually noting a few biographical characteristics, dates and locations, the nature of the crime, and the sentence. There are surely many gaps between court records and court activities. Sentencing records are the most abundant of extant sources for early modern crime, but form "a skeleton from which historians can infer only the shadowy outlines of crime and law enforcement."[7]

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[3] See for example, J.A. Sharpe, "Quantification and the History of Crime in Early Modern England: Problems and Results," *Historical Social Research* 82 (1976), 17–21.

[4] Bruce Lenman and Geoffrey Parker, "The State, the Community, and the Criminal Law in Early Modern Europe," in Gatrell, et al., ed. *Crime and the Law: The Social History of Crime in Western Europe since 1500*. (London: Europa, 1980), 46.

[5] Joy Wiletenburg, "The Carolina and the Culture of the Common Man: Revisiting the Imperial Code of 1532," *Renaissance Quarterly* 52 (Autumn 2000), 717.

[6] Els Kloek, "Criminality and Gender in Leiden's Confessieboekn, 1678–1794, *Criminal Justice History*, 4.

[7] Cynthia Herrup, "New Shoes and Mutton Pies: Investigative Responses to Theft in Seventeenth-Century East Sussex," *The Historical Journal* 27, 4 (1984), 811.

Effective law enforcement was also an issue, which was compounded in the early modern Netherlands, a highly decentralized polity where the legal jurisdiction to apprehend and/or prosecute criminals often did not extend beyond the city limits. Local law enforcement took the form of the *schutterij*, or civic militia, a more-or-less volunteer group who faced distinct limitations in their ability to take a bite out of crime. Not only did they lack formal investigative methods or authority, but their numbers were relatively small in comparison to other European cities, often including less than one hundred men in their ranks, and this for a city whose population soared to over 70,000 by mid century.[8] For this reason, the rate of crimes prosecuted is unlikely to bear much relation to the actual rates of crimes committed.[9] Because of these limitations of the records, Lenman and Parker caution that "early modern criminal records should not be asked questions which, by their inherent nature, they are incapable of answering."[10]

There are questions, though, for which court records can provide at least tentative answers. Using the sentencing records of the court at Leiden, the careful historian can shed light on questions of social perception of crime, including changing definitions of what constitutes a crime. Singing a subversive song, for example, may not appear to be a crime to those of us raised on the protest music of the 1960s. First used in the Middle Ages, the word crime most likely derives from the Latin word *criminis*, i.e. charge or offense.[11] Modern criminologists make a distinction between normative and positive/legalist definitions of crime, usually emphasizing the latter by defining a crime as a violation or offense against the law, no more no less. This distinction was much fuzzier in the early modern period; criminal law had only just emerged as a separate branch of law in the late middle ages. By the seventeenth century, normative ideas of community offenses co-existed uneasily with criminal charges of the increasingly Roman-law-oriented court

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[8] N.W. Posthumus, *De geschiedenis vn de Leidsche lakenindustrie* (The Hague: Martinus Nijhoff, 1939), 882.

[9] Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience*. (Cambridge: Cambridge University Press, 1984), 43–81.

[10] Lenman and Parker, 46.

[11] Interestingly, and perhaps not coincidentally, the first known use of the word criminal (as a noun) is from the seventeenth century. Definition courtesy of Oxford English Dictionary, on-line version at http://dictionary.oed.com, accessed September 9, 2006.

system. In the former, punishments were designed to fit the criminal, in the latter to fit the crime.[12] Criminologist Edwin Sutherland has suggested that incidences of crime are directly related to how criminal behavior is defined within social groups. Without clear definitions of criminal and non-criminal behavior, he posited, the incidence of crime will increase.[13]

There is indirect evidence of this terminological inexactitude in the court records of the city of Leiden. The courts heard cases against public morality, including adultery, fornication, homosexuality, prostitution, swearing, and, of course, singing of immoral songs. Between 1540 and 1800, 948 crimes of this nature appear in the court records. Of these, 627 cases concerned adultery and fornication, approximately 10% of all crimes recorded in the *vonnisboeken* across the entire period.[14] The state did consider many moral transgressions to be crimes. In October of 1608, for example, Damian Bonnet, a drapery maker, was caught in flagrante delicto with Magdalana Verkinder. Verkinder's spouse, Jan de Sau, brought charges against the couple. Bonnet was found guilty of both adultery and fraudulent behavior and sentenced to four years duty at sea and twelve years exile not only from the town (as was customary) but from the provinces of Holland and Zeeland as well. Verkinder received a similarly harsh punishment, fifty years of exile, but the term was commuted to three years after her family intervened.[15] Such acts violated the Ten Commandments, but they also violated a sense of order. It was commonplace in the seventeenth century to equate the family with the state; an analogy which implies "that that good order in the household was necessary to good order in the state; the family was a 'little commonwealth.'"[16] The courts also heard cases of child abandonment and neglect, infanticide, mistreatment and/or abandonment of spouses (male and female), and broken engagements.

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[12] Lenman and Parker, 28.

[13] Edwin Sutherland, *Principles of Criminology*. 11th ed. (Lanham, MD: Alta Mira Press, 1992).

[14] C.N. Bartlett, "Crime and Crisis: The Conjuncture of Social Forces in Early Modern Leiden" (unpublished M.A. thesis, Western Carolina University, 2005).

[15] Heuvel, 90.

[16] Susan Dwyer Asmussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *Journal of British Studies* 34 (January 1995), 12.

Fig. 1. Adultery Sentencing in Leiden 1547–1810.

Cohorts	Adultery
1547–1575	4
1576–1600	71
1601–1625	75
1626–1650	47
1651–1675	30
1676–1700	76
1701–1725	97
1726–1750	95
1751–1775	31
1776–1800	49
1801–1810	52
Total	627

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

There was a separate system, however, for disciplining sin. The Calvinists of Leiden (not a majority in the town) fell under the jurisdiction of the local consistory, which also prosecuted crimes of this nature, especially adultery and prostitution. Because the Netherlands did not have an official state religion, local churches exercised some autonomy, but the elders of the church overlapped and co-existed with the public authorities, and the distinction between crime and sin was not as clear as it was in other European polities.[17] The respective jurisdiction of church and state was an unresolved dilemma in Leiden and the town experienced continuous tension between Calvinist clergy and civic officials over the role of the church as the moral authority of the town.[18] Though we lack in-depth analysis of the Leiden consistory records, Heinz Schilling's work on the consistory records at Emden and Groningen both suggest

[17] Heinz Schilling, "History of Crime or History of Sin?—Some Reflections on the Social History of Early Modern Church Discipline," in *Politics and Society in Reformation Europe: Essays for Sir Geoffrey Elton on His Sixty-Fifth Birthday* edited by Tom Scott and E.I. Kouri (Houndmills: Macmillan, 1987), 296.

[18] Christine Kooi, *Liberty and Religion: Church and State in Leiden's Reformation, 1572–1620*. (Leiden: Brill, 2000), 29–132; For discussion of Dutch consistories, see also Benjamin Kaplan, *Calvinists and Libertines: Confession and Community in Utrecht*, 15787–1620. (New York: Oxford University Press), 1995.

an increasing preoccupation with moral discipline, especially sexuality.[19] Two transgressions appear with increasing frequency in these records; sex before marriage (anticipation) and abortion/contraception, both of which are absent from the city court records.[20] These differences can be attributed to a fundamental difference in outlook on the purpose of punishment. Though church and state worked towards many of the same goals, "the aim of this [church] discipline was not the earthly perfection of the individual of his punishment, be it understood as penance or as deterrence, but the sacral-transcendental unity of the Eucharistic community. There is nothing that corresponds to this in criminal jurisdiction."[21]

Suicide is another example of the overlapping boundaries between crime and sin. Suicide was considered a violation of the sixth Commandment, 'thou shalt not kill' and, therefore, a violation of laws against murder. The word for suicide in Dutch is, in fact, *zelfmoord*, or self murder. The Carolina posed several ground rules for investigating suicide, notoriously tricky, and the court was obliged to investigate determine the cause of death in all cases where this may have been unclear. Between 1576 and 1650, the criminal court of Leiden conducted 374 death inquests. The magistrates ruled that thirty eight of these cases were suicides. In cases ruled as suicide, the court handed down judgments that denied the deceased proper burial or, in extreme cases, required public displays of the corpse.[22] Unlike much of the rest of Europe, Dutch customary law did not include the confiscation of property of suicides. In Leiden, the court prescribed confiscation in only one case of suicide, that of the Englishman Joris Ballieu in 1638, though it was frequently invoked in cases of capital punishment for other crimes.[23] By the early seventeenth century, the courts often took into account mitigating factors regarding the victim's mental state or

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[19] Dutch consistories were more limited in scope than those in Geneva, in part because of the resistance of town magistrates. See for comparison, Mark Valeri, "Religion, Discipline, and the Economy in Calvin's Geneva," *Sixteenth Century Journal* 28, 1 (Spring, 1997), 123–142.

[20] Heinz Schilling, *Civic Calvinism in Northwestern Germany and the Netherlands: Sixteenth to Nineteenth Centuries*. V. 16 Sixteeenth Century Essays and Studies (Ann Arbor, MI: Edwards Brothers, 1991), 65.

[21] Schilling, 297.

[22] Laura Cruz, "For Fear of What the Neighbors Might Say: Social Networks and Suicide in Early Modern Holland" in *Making Sense of Death and Dying: Proceedings of the Second Global Conference*, ed. Laura Cruz, (Amsterdam: Rodolfi Press, 2005).

[23] Van den Heuvel, 215.

acuity. After 1646, no more cases of post-mortem investigation appear and it would seem that the criminality of suicide had, at least in practice, been suspended. A similar pattern occurred in Amsterdam, where juridical condemnation of suicide ended in 1658, though it continued to be prosecuted under the consistories.[24] Long before suicide lost its heavy taint of sin, it ceased to be a crime.

Definitions of crimes also changed for more clear-cut reasons. In 1581, the United Provinces of the Netherlands repudiated their legitimate ruler, Philip II of Spain, and established themselves as a republic. Prior to the outbreak of the Revolt, the Spanish authorities in Leiden tried 76 cases against Protestant heretics and executed well over half of them, and this was in addition to the special tribunals set up by the Spanish regents, such as the Duke of Alva's Blood Council. Under the (mostly Protestant) Republic, the courts continued to prosecute heretics, though there are only handful of cases, most of which involved either the distribution of texts deemed to be anti-Christian (such as the works of Spinoza) or dabbling in fortune-telling and the occult.[25] None of them were executed.

Fig. 2. Heresy Sentences in Leiden 1547–1810.

Cohorts	**Heresy Sentences**
1547–1575	76
1576–1600	3
1601–1625	0
1626–1650	2
1651–1675	0
1676–1700	7
1701–1725	1
1726–1750	1
1751–1775	1
1776–1800	2
1801–1810	3
Total	96

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

[24] Pieter Spierenburg, *The Broken Spell: A Cultural and Anthropological History of Preindustrial Europe* (New Brunswick, 1991), 177.

[25] Van den Heuvel, 265.

Despite the cessation of the prosecution of suicide and heresy, crimes against morality continued to be prosecuted at a fairly steady rate across the seventeenth century. Relatively speaking, however, crimes against morality play a lesser role as the century unfolds—the absolute numbers remain fairly constant even when the population of the town was growing exponentially and the number of prosecutions begins to pale in comparison to the rising number of crimes against property (See Figures 3 and 4 below). In the conceptual spaces where the definitions of crime were the least clear, crime, or at least prosecution of crime, did not seem to be on the rise.

Fig. 3. Comparison of Criminal Sentences by Type in Leiden 1547–1810.

Cohorts	**Morality***	**Violence**	**Authority****	**Property**	**All**
1547–1575	318	31	232	72	413
1576–1600	171	89	106	172	489
1601–1625	228	247	205	720	1437
1626–1650	276	89	215	421	861
1651–1675	111	20	70	238	370
1676–1700	251	24	125	419	695
1701–1725	337	49	284	217	604
1726–1750	236	27	67	160	423
1751–1775	85	9	44	64	157
1776–1800	159	17	53	106	282
1801–1810	165	27	76	182	374
Total	2058	533	1477	2771	7202***

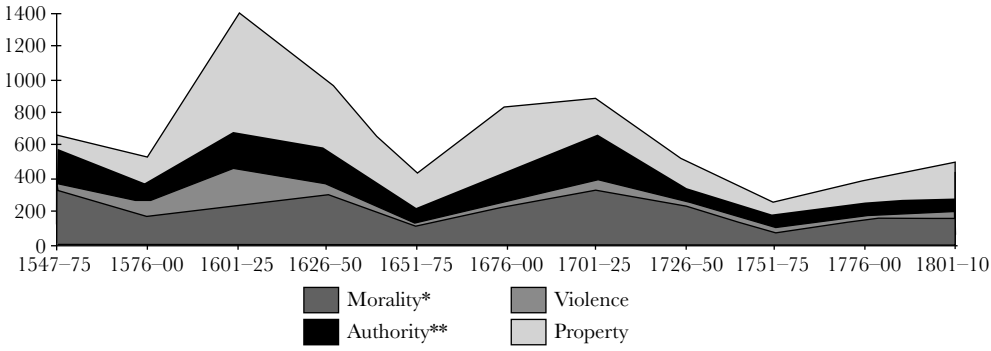
* incl. Suicide, sex crimes, infanticide
** incl. riots
*** incl. 374 Death inquests

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

If problems with social definitions of crime can only partially explain changes in criminal sentencing, then perhaps social theories of the state, i.e. those that examine relationships between the instruments of repression, the government, and the objects of that repression, the governed, can shed more light.[26] Historian John Bossy eloquently characterized the

[26] The classic texts in this school of thought are Georg Rusche and Otto Kirchheimer,

Fig. 4. Comparative Crime in Leiden 1547–1810, by Quarter Century.



* incl. Suicide, sex crimes, infanticide
** incl. riots
Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

seventeenth century as a long and often painful period of this transition between a regime of the Seven Deadly Sins, with the primary object of maintaining community, to the regime of the Ten Commandments, in which right and wrong became reified, universal, and bound to the relationship between the individual and God.[27] In Bossy's conception, the policing of public morals shifts from the church to the state, a process which he calls 'the migration of the holy', and the intentions of social control change accordingly. The sustained concern with the enforcement of public morality across the century suggests a criminalization of sin that fits with this pattern. There were other signs that local authorities in the Netherlands were encroaching upon the traditional role of the church in maintaining social identity and stability.

One of the first signs of the new system of repression and rewards was that the venue for resolving rifts in the social fabric changed. In the distant past, it seems likely that most criminal cases never reached the courts and instead, those involved worked out their differences amongst themselves. As Lenman and Parker note, "the hallmark of community law [is] an arbitrated yet extra-judicial settlement."[28] The court system itself reflected this tendency. In the fourteenth century,

Punishment and Social Structures (New York: Transaction Publishers, 1939) and Norbert Elias, *The Civilizing Process* (Oxford: Blackwell, 1994).

[27] John Bossy, *Christianity in the West, 1400–1700* (Oxford: Oxford University Press, 1985), 116–25.

[28] Lenman and Parker, 23.

Fig. 5. Sentencing of Crimes against the Public Order 1547–1810.

Cohorts	Authority	Exile Breaking	Vagrancy/ Begging	Riot
1547–1575	36	7	186	3
1576–1600	32	9	51	14
1601–1625	15	57	62	71
1626–1650	24	86	97	8
1651–1675	34	20	16	0
1676–1700	43	47	35	0
1701–1725	46	66	172	0
1726–1750	12	38	17	0
1751–1775	3	11	30	0
1776–1800	21	25	7	0
1801–1810	13	27	36	0
Totals	279	393	709	96

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

there were different types of trials, or procedural tracks, at work simultaneously, from the *zoending* (trial of reconciliation), to the *clagheding* (trial of accusation) to the *dading* or *compositie* (settlement out of court). P.C.M. Hoppenbrouwers argues that the distinctions between the three practices were less sharp in practice, especially in the province of Holland, because they all worked towards the same end, i.e. personal resolution.[29] However, by the sixteenth century, the right of *compositie* became increasingly proscribed[30] and the *clagheding* had been largely usurped by the Roman conception of the Inquisitio, or inquest, which placed the burden of accusation and evidence upon the court itself.[31] Older forms of reconciliation for aggrieved parties were being replaced by public and regularized rules of law and order.

By the early modern period, crimes against public order constituted 24.1% of the cases recorded by the court in the period from 1550–1800.[32]

[29] P.C.M. Hoppenbrouwers, Vengeance Is Ours? The Involvement of Kin in the Settlement of 'Cases of Vengeance' in Later Medieval Holland" in *Love, Marriage, and Family Ties in the Later Middle Ages*: Proceedings of the International Medieval Congress (David Brown: 2003), 253.

[30] Lenman and Parker, 33.

[31] Lenman and Parker, 30.

[32] Bartlett, 52.

In the first quarter of the seventeenth century, the court recorded 71 cases against alleged rioters. In 1601, for example, a group of five young carpenters and roofers appeared before the court after instigating a riot in the city streets. The exact cause of the riot is not recorded in the court rolls, but it seems likely that it was related to the large projects of civic expansion that were taking place. The court sentenced all five men to life exile from the town and the province of Holland.[33] Across the Netherlands, riots often coincided with periods of economic downturn or political upheaval, such as changes in leadership or religious debate.[34] After mid-century, however, the courts, for all intents and purposes, ceased to prosecute such cases. It is tempting to attribute this cessation to the effectiveness of the court system, but it could also be due to a decrease in social unrest and discontent, or to other combinations of repression and reward.[35] The sentencing records are simply not sufficient to answer this question.

The repressive arm of the city of Leiden was not always so effective. The court frequently prescribed long sentences of exile from the town and the region. These were difficult to enforce, however, given the state of law enforcement agencies (or lack thereof) and the particularist tendencies of the towns of Holland.[36] Over the hundred plus year period covered by the *vonnisboeken*, the court heard close to four hundred cases of those charged with violation of exile. Martigen Vredericxdr., for example, was charged with violating her sentence of exile and of abetting known thievery. Originally sentenced to be hanged, the court commuted her sentence to public flogging, branding, and life exile (on pain of death).[37] Branding was a common sentence for these cases, as repeat offenders could be identified in other towns.[38] The frequency with which these cases appear and reappear (see Figure 5, above) suggests that exile was not a terribly effectual punishment.

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[33] Van den Heuvel, 69–70.

[34] Rudolf Dekker, Holland in Beroering: Oproeren in de 17de and 18de Eeuw. (Ambo, 1982).

[35] For theoretical debates on this subject (often Marxist-inspired), see for example Eric Hobsbawm, *Primitive Rebels* (New York, 1959) and Douglas Hay, et al. *Albion's fatal tree: crime and society in eighteenth-century England*. London, 1975, and E.P. Thompson, "The moral economy of the English crowd in the eighteenth century," *Past and Present*, 50 (1971): 76–136.

[36] See for example, J.L. Price, *Holland and the Dutch Republic in the Seventeenth Century: The Politics of Particularism*. (Oxford: Clarendon Press, 1994).

[37] Van den Heuvel, 38.

[38] Spierenburg, Spectacle, 69–70.

The most common crime against the public order was begging and/or vagrancy. These cases comprised just over 10% of the sentences handed down from 1550–1800, but there were changes in the way the court handled such cases. In 1612, for example, Adriaen Henricxzn., Cornelis Gerritzn. and Henrickgen Henricksdr. were all charged with vagabondage and variously sentenced to be publicly flogged, branded with the mark of the city, and exiled for life.[39] In 1628, Abraham van Malsam, convicted of the same crime, received as his sentence only one year of exile from the town. By 1714, Jan Cailje received a sentence of eight days in prison. Ary Corstiaensz., in the same year, received a harsher sentence of ten years exile, but the court felt the need to add the notation, "the punishment is so severe because the convicted continued to speak untruths."[40]

To the public authorities, vagrancy was a crime because work was socially useful and because, as the saying goes, 'idle hands are the devil's workshop.'[41] In Calvinist theology, unemployment, destitution and poverty were signs of divine disfavor. The two came together and led to a shift from coercive retribution to coercive correction. Local charities established work houses and prisons, designed to both reinforce moral principles, such as a work ethic, but also to lead towards rehabilitative vocational training, i.e. towards turning vagrants into productive citizens. In return, the court increasingly sentenced those convicted of vagrancy and begging to serve terms in these semi-public institutions.[42] These were semi-public in the sense that most of these organizations were often run by some combination of the churches and the government, but funding for them came from a mixture of "private endowments, public subsidies, voluntary contributions, and special sin taxes."[43]

Thus, because of the fragmented nature of the new Dutch republic, the holy did not migrate to the central state, but rather to intermediate level, semi-public institutions such as the almshouses, workhouses, poorhouses, hospitals, and orphanages.[44] Though certainly instituted

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[39] Van den Heuvel, 83.

[40] Van den Heuvel, 343.

[41] Simon Schama, *The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age* (Berkeley: University of California Press, 1988), 15–25.

[42] Charles H. Parker, *The Reformation of Community: Social Welfare and Calvinist Charity in Holland, 1572–1620* (Cambridge: Cambridge University Press, 1998).

[43] Gorski, 61.

[44] Ann McCants, *Civic Charity in a Golden Age: Orphan Care in Early Modern Amsterdam* (Urbana: University of Illinois Press, 1997), 10–23; Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and their Inmates in Early Modern Europe* (New Brunswick: Rutgers University Press, 1991), 66.

in a spirit of paternalism, by town magnates who saw themselves as the mighty protectors of its weakest citizens,[45] the system of control resulted in a subtly different regime than had existed before or, perhaps, elsewhere, and it was not one contained primarily by the state.

John Bossy was not the only historian to see the seventeenth century as a transitional age. In a famous feat of historiography, a number of historians dubbed the seventeenth century an age of crisis, though a necessary one to prepare for the coming of the modern era.[46] Their efforts increased interest in an often-overlooked century, but the central concept, i.e. that the seventeenth century was a period of economic, social, and political disruption, was problematic for Dutch historians who saw this period as the Golden Age.[47] Though the Dutch on the whole weathered the crisis better than most, the town of Leiden was not immune to the forces that produced crisis elsewhere and the price scissors placed pressure on the largely industrial town to increase profitability and market demand. Tensions ran high between the merchants who largely controlled the politics of the town and the industrial workers who populated it. Even with relatively high wages, most estimates place up to 80% of the urban population of Holland under the poverty line, and 45% were considered members of *het Grauw*, a Dutch term for absolute destitution.[48] Many were recent, even temporary, immigrants, lured by the attraction of work in the booming textile industry, and had little sense of identity with the city of the crossed keys itself. According to most contemporary theories of crime, social-economic conflict is often a source of criminal behavior. By this theory, as the fortunes of the town's wealthiest citizens soared, frustration on the part of the urban proletariat would lead to crime, especially crime against property.[49] The flowering of material culture led in the Dutch Golden Age not only to an embarrassment of riches, but also greater temptation for those who could only look on it in envy.

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[45] A.Th. van Deursen, *Het kopergeld van de Gouden Eeuw III: Volk en Overheid*. (Assen: Van Gorcum, 1979), 52.

[46] Christopher Hill ed. *Crisis in Europe 1560–1660* (London: Routledge and Kegan Paul, 1982).

[47] Ivo Schofer, "Did Holland's Golden Age Coincide with a Period of Crisis?" in Geoffrey Parker and Lesley Smith, ed. *The General Crisis of the Seventeenth Century* (London: Routledge and Kegan Paul, 1978), 87–107.

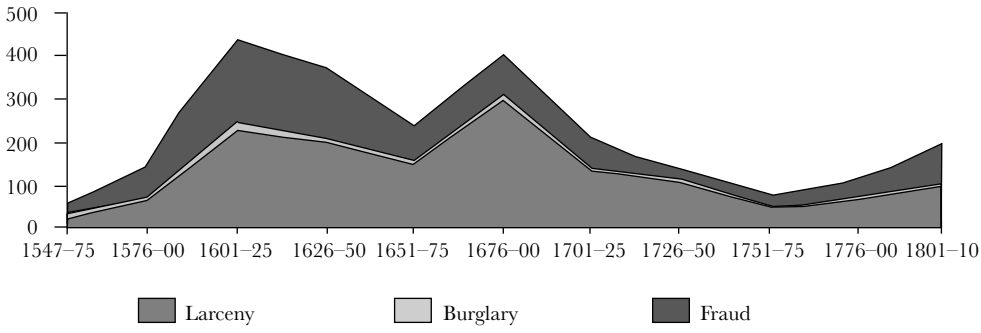
[48] Jan de Vries and Ad van der Woude, *The First Modern Economy* (Cambridge: Cambridge University Press, 1997), 561–6.

[49] On theories of relative deprivation, see for example W.G. Runciman, *Relative Deprivation and Social Justice* (Routledge, 1966); Steven Box, *Recession, Crime and Punishment* (Macmillan, 1987); Jock Young, *The Exclusive Society* (Sage, 1999).

The prosecution of property crimes did keep the courts increasingly busy across the seventeenth century and the fluctuations in the sentencing of property crimes seem to correlate with periods of economic downturn, with spikes in the first and third quarters of the century. Crimes against property include smuggling, fraud, burglary, larceny, mugging (including pickpocketing), and fencing of stolen merchandise. Fraud alone constituted 13% of the cases recorded in the *vonnisboeken*, though in many cases the policing of fraudulent behavior overlapped with other civic authorities, including tax collectors (see Figure 7 below). Taken collectively, property crimes constituted the largest category of crimes sentenced by the Leiden court and the numbers grew across the century (see Figure 3 above).

Smuggling has a long history in the Low Countries, a maritime country crisscrossed by navigable rivers and canals. With its proximity to the Rijn and other waterways, the environs of Leiden offered smugglers the ability to circumvent local tolls and the payment of excise taxes. Without proper means to stop and search vessels on the river or canals, authorities created chokepoints from which to conduct inventories of goods. In 1619, for example, Frenchmen Esaias du Pre was stopped at a checkpoint and charged with smuggling untaxed beer and tapping it for illegal sale. The court sentenced him to public flogging and permanent banishment from the city.[50]

Fig. 6. Sentences of Crimes against Property in Leiden 1547–1810.



Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

[50] Van den Heuvel, 143.

Fig. 7. Sentences of Fraud in Leiden 1547–1810.

Cohorts	Fraud
1547–1575	14
1576–1600	77
1601–1625	174
1626–1650	173
1651–1675	73
1676–1700	78
1701–1725	56
1726–1750	30
1751–1775	15
1776–1800	31
1801–1810	46
Total	767

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

The court heard 1,479 cases of larceny over the course of the long century, indicating that nearly 1 in 4 cases in the town involved theft (see Figure 9 below).[51] For example, in 1652, Henry Ardyen, a French immigrant, was convicted of stealing produce from gardens. The court ordered him to be hanged.[52] Owen Griffe, originally from London, was charged with theft as well as concubinage and in 1601 the court sentenced him to serve in the navy for a period of 25 years.[53]

Burglary was also prosecuted, though not as commonly and the accused faced charges of breaking and entering as well as larceny. In 1591, for example, three men broke into a tavern but—much to their surprise—found that it was occupied and threatened the owner with violence. The court sentenced them to public flogging, which they later commuted to one year's exile. Fencing and receiving stolen goods tended to be the domain of women, who were not often punished for

[51] Mugging and/or pickpocketing were also a nuisance, especially on crowded festival or market days. After 1600, this crime nearly disappears from the *vonnisboeken*, most likely because the offense became subsumed under the more general heading of larceny.

[52] Van den Heuvel, 235.

[53] Van den Heuvel, 68.

Fig. 8. Sentences of Larceny in Leiden 1547–1810.

Cohorts	Larceny
1547–75	31
1576–00	74
1601–25	247
1626–50	203
1651–75	136
1676–00	299
1701–25	154
1726–50	107
1751–75	39
1776–00	67
1801–10	122
Total	1479

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

larceny but convicted of these lesser charges.[54] Punishment for larceny tended to involve public humiliation, but the court rarely saw fit to execute thieves and often commuted harsher sentences. In 1590, for example, Pieter Janszn. was charged with robbing a house and then attempting to cover up the theft by arson. The court sentenced him to execution, but because he was caught before the house burned, they changed his punishment to repeated burning with a hot iron and permanent exile from the city.[55] It is tempting to conclude that this leniency was a sign that city officials recognized their own culpability in the economic hardships born by less-fortunate citizens, but the records simply too sparse.

If the crisis historians are correct, then the increase in property crimes is indicative of the economic and social dislocation wrought by external economic and political forces. The pressing call for military defense, for example, pushed the Dutch to increase the imposition of excise taxes, which laid a heavy burden on the lower echelons of society.[56] Further, those most affected by these dislocations, the recent immigrants, also

[54] Kloek, 10.
[55] Van den Heuvel, 48.
[56] For a more in-depth discussion, see Marjolein t'Hart, *The Making of a Bourgeois State: War, Politics, and Finance during the Dutch Revolt*. (Manchester: Manchester University Press, 1993).

Fig. 9. Sentences of Burglary in Leiden 1547–1810.

Cohorts	Burglary
1547–75	14
1576–00	6
1601–25	24
1626–50	8
1651–75	8
1676–00	10
1701–25	3
1726–50	10
1751–75	3
1776–00	5
1801–10	3
Total	94

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

lacked a sense of belonging and inclusion in their new environs, which criminology theory suggests would lead to increased crime. Indeed, the Leiden court listed approximately one-quarter of all convicted criminals as immigrants. It would seem that shifts in social structure have a direct effect on shifts in rates of crime.

Evidence outside of the republic, at least on the surface, supports the hypothesis by noting similar crime waves in most other European cities.[57] On the other hand, these crime waves tended to be more pronounced in the eighteenth rather than the seventeenth centuries and attributed to industrialization rather than crisis—suggesting that the increase in property crimes was a factor of the precocious prosperity of the first modern economy.[58] The modern tendencies of the Dutch republic, be they economic or philosophical, have become increasingly downplayed by scholars. Even without such assumptions, the apparent rise in rates of sentencing for property crimes, though, could be attributed

[57] See Michael Weisser, *Crime and punishment in early modern Europe* (Hassock, Sussex: Harvester Press. 1979).

[58] See for example M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Columbia University Press, 1980) and Joanna Innes and John Styles, "The crime wave: recent writing on crime and criminal justice in eighteenth-century England," in *Rethinking social history: English society 1570–1920 and its interpretation* ed. Adrian Wilson, (Manchester: Manchester University Press, 1993).

to changing prosecution. Immigrants, for example, would be less likely to have their crimes covered up or hidden from authorities. The direct relationship between times of economic hardship and increases in violent behavior has been questioned by many historians deeply drunk in the crime records of their respective countries.[59] An understanding of criminal sentencing, then, must be more complex than simply an examination of economic conflict.[60]

Social history has evolved in the past decade or so, and the myth of crisis has largely been left behind. With the collapse of the Marxist-inspired questions of the 1960s, social history for a period was a field without a paradigm or clear direction. In the historiography of early modern Europe, the vacuum created by the decline in class-conflict based analysis has been supplanted by a new hypothesis, the confessionalization thesis. Rather than emphasizing conflict and dislocation, the new breed of social historian looks at cohesion and resolution, and the confessionalization theorists are no exception. Put simply, confessionalization suggests that the act of confession, or choosing a religion to which to swear ones allegiance, a byproduct of the splintering of the Latin Christendon by the Reformation, led to important advances in identity formation, social discipline, and state building; and those changes took place largely in the latter half of the seventeenth century. Members of different confessions, the theory suggests, were called upon to control their own behaviors in new ways, and the enforcement of social norms led to new responsibilities and opportunities for their respective rulers.[61]

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[59] See for example Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics, and Society in Kent, 1500–1640* (London: Harvester Press, 1977), 350; Peter Clark, "Popular protest and disturbance in Kent 1558–1640," *Economic History Review*, 2nd series, 29 (1976): 365–82; Douglas Hay, "War, Dearth, and Theft in the Eighteenth Century: The Record of the English Courts," *Past and Present* 95 (1982–3), 117–60; J.M. Beattie, "The Pattern of Crime in England 1660–1800," *Past and Present* 62 (1974), 47–95; and Barbara Hanawalt, *Crime and Conflict in English Communities, 1300–1348* (Cambridge: Harvard University Press, 1979), 222–60.

[60] For a discussion of these theories, see Patricia O'Brien, "Crime and Punishment as Historical Problem," *Journal of Social History* 11 (1978), 508–520.

[61] A brief bibliography of confessionalization would include the following: Marc Forster, *Catholic Revival in the Age of the Baroque* (Cambridge: Cambridge University Press, 2001); P. Frieß et al., eds. *Konfessionalisierung und Region* (Constance: Universitätsverlag, 1999); R. Hsia, *Social Discipline in the Reformation* (London: Routledge, 1989); Thomas Kaufmann, *Universität und lutherische Konfessionalisierung* (Gütersloh: Gütersloher Verlag, 1997); Gerhard Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982); Wolfgang Reinhard, "Gegenreformation als Modernisierung? Prolegomena zu einer Theorie des konfessionellen Zeitalters," Archiv für Reformation-

Building on the work of Michel Foucault, Gorski suggests that punishment was part of a very broad system of social power that should include a discussion of the myriad forces that operate on social behavior. In applying this concept to the early modern Netherlands, sociologist Philip Gorski calls their achievements a 'disciplinary revolution', grounded in the theology of Calvinism blended with the political structure of the Dutch republic. In the Netherlands, social policy was the domain of the grass-roots institutions and not the central government; an idiosyncratic system that, Gorski argues, resulted in far more effective systems of maintaining public order.[62] His primary indication of this paradoxical strength was crime rates. Most studies done on early modern crime rates suggest that these were lower in the Netherlands, but certainty is impossible.[63] Gorski bases his assertion on two assumptions. First, that murder rates can be the closest indicator of crime rates because "murders are less likely to go undetected, unreported, or unpunished than are other crimes."[64] And secondly, that there is a close correlation between murder rates and overall crime rates. Armed with these two hypotheses, the violent crime rates in Leiden take on new significance.[65]

Murder is one of the most heinous crimes imaginable. Of all crime in Leiden, only treason carried as severe a punishment. Murders in Leiden varied from domestic violence to mass murder. In 1560, for example, the court found Hugo Barentzn and his wife Aechte Ijsbrandtr. guilty of multiple counts of murder. Their sentence included branding and being broken on the wheel. Barentzn was exceptional in that he was a

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sgeschichte 68 (1977), 226–252; Wolfgang Reinhard. „Zwang zur Konfessionalisierung? Prolegomena zu einer Theorie des konfessionellen Zeitalters," *Zeitschrift für historische Forschung* 10 (1983), 257–77; Heinz Schilling, *Konfessionskonflict und Staatsbildung* (Gütersloh: Gütersloher Verlagshaus, 1981); Heinz Schilling, ed. *Die reformierte Konfessionalisierung* (Gütersloh: Gütersloher Verlagshaus, 1986); Heinrich Richard Schmidt, *Dorf und Religion. Reformierte Sittenzucht in Berner Landgemeinden der Frühen Neuzeit* (Stuttgart: G. Fischer, 1995); Heinrich Richard Schmidt. „Sozialdisziplinierung? Ein Plädoyer für das Ende des Etatismus in der Konfessionalisierungsforschung," *Historische Zeitschrift* 267 (1997), 639–682; Winfried Schulze, „Gerhard Oestreichs Begriff ‚Sozialdisziplinierung in der frühen Neuzeit," *Zeitschrift für historische Forschung* 20 (1987), 265–302.

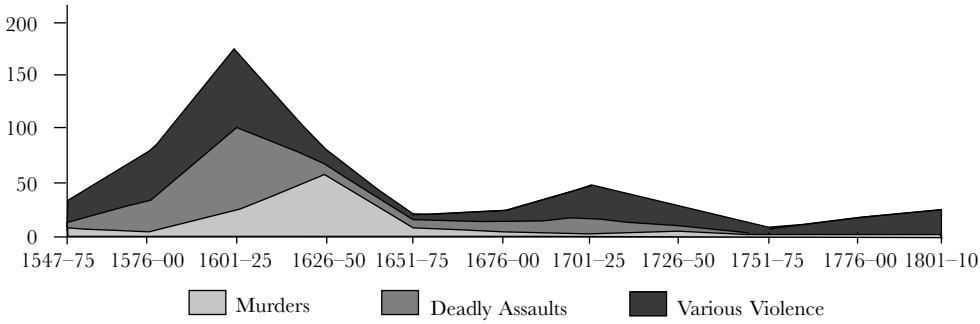
[62] Gorski, 51.

[63] Gorski, 53.

[64] Gorski, 52.

[65] For case studies of the approach in other places, see Martin Ingram, "Religion, communities and moral discipline in late sixteenth and early seventeenth-century England: case studies," in Kaspar von Greyerz (ed), *Religion and society in early modern Europe 1500–1800* and Thomas A. Brady, *Ruling Class, Regime and Reformation in Strasbourg 1520–1555* (Leiden: E.J. Brill, 1978).

Fig. 10. Sentencing of Violent Crime in Leiden 1547–1810.



Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

prosperous goldsmith, a member of the merchant class, and a native Leidenaar.[66] In a narrow majority of cases, convicted murders escaped justice and had to be tried in absentia.

There is no evidence to suggest that the court became more lenient in its attitude towards murder even well into the nineteenth century. Some historians have argued that the shift away from exemplary punishment overall is evidence of a modern, enlightened viewpoint on the part of the Dutch, but the consistency with which the court handed out punishments for murder suggests that, at the least, this tendency did not extend to all crimes under their jurisdiction.[67] Exemplary punishment for convicted murders continued into the nineteenth century. In 1807, for example, Leiden native Jan Sehe, an industrial worker, murdered the widow Maria Bos, then jumped into a canal in an attempt to escape the *schutterij*. He drowned in his attempt and the authorities had his body fished out of the canal and put on display with the murder weapon attached.[68] The tendency throughout the early modern period was to move away from corporal punishment and to incarceration and other rehabilitative strategies, but the Dutch courts steadfastly showed little mercy when it came to murder.

[66] Van den Heuvel, 10.
[67] Lenman and Parker, 12.
[68] Van den Heuvel, 453.

Fig. 11. Sentencing of Murder in Leiden 1547–1810.

Cohorts	Murder
1547–1575	7
1576–1600	4
1601–1625	23
1626–1650	60
1651–1675	6
1676–1700	3
1701–1725	2
1726–1750	3
1751–1775	1
1776–1800	1
1801–1810	2
Total	112

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

The Leiden courts did not appear to take premeditation into account when sentencing homicides. However, they did differentiate between murder (*moord* in Dutch), simply the killing of another, and deadly assault (*doodslag* in Dutch), usually the killing of another during a fight. The latter occasionally resulted in a lighter sentence, but deadly assaults, too, frequently received sentences of capital punishment. Deadly assault was far more common than murder. Many of these involved alcohol and knives, an apparently deadly combination.[69] A typical case was that of Gerrit Barentsz Valckenrijck, convicted of killing a man in a bar fight. He was tried in absentia in 1651 and sentenced to beheading.[70] Taken together, the number of homicides and deadly assaults in the Leiden records was very low in comparison to other European countries, and the numbers were rapidly declining across the century.[71]

[69] Pieter Spierenberg, "Knife Fighting and Popular Codes of Honor in Early Modern Amsterdam," in Pieter Spierenberg, ed. *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America* (Columbus: Ohio State University Press, 1998), 103–127.

[70] Van den Heuvel, 93.

[71] Herman Diederiks, "Quality and Quantity in Historical Research in Criminality and Criminal Justice: The Case of Leiden in the Seventeenth and Eighteenth Centu-

Fig. 12. Sentencing of Deadly Assault in Leiden 1547–1810.

Cohorts	Deadly Assault
1547–1575	4
1576–1600	29
1601–1625	79
1626–1650	11
1651–1675	10
1676–1700	11
1701–1725	14
1726–1750	4
1751–1775	1
1776–1800	1
1801–1810	0
Total	164

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

In addition to murder and deadly assault, battery, or the application of non-deadly force, also occurred regularly. Most often, the charge of battery came as the result of a fight or domestic quarrel. In 1651, for example, Jan Janszn (alias "The Bishop"), Jan Lucaszn, and Jonas Jonaszn, all Leiden textile workers, apparently ran afoul of the *schutterij*, who charged them with battery and disturbing the peace. The court sentenced all three men to twelve years exile, and 'the bishop' received an additional eight years exile as well as public flogging.[72] Even the wealthy were not immune to charges of battery. In 1650, for example, the court held Adriaan van der Burch, an outsider from the Hague, in jail on charges of violent behavior until he could pay a substantial fine (fl 2500), well beyond the means of ordinary Leidenaars.[73]

Violent crime differed from the other types of crime also in the gender of the perpetrators. As Els Kloek notes, Dutch females played an atypically large role in property crimes, especially fencing and receiving stolen goods, but there are very few women who acted as instigators of violent crime. The court did convict 95 women of violent crime (approximately ten percent of the total), and their transgressions ranged

ries," *Historical Social Research* 56 (1990), 57–76.

[72] Van den Heuvel, 234.

[73] Van den Heuvel, 232.

Fig. 13. Sentencing of Battery in Leiden 1547–1810.

Cohorts	Battery
1547–75	17
1576–00	42
1601–25	74
1626–50	10
1651–75	4
1676–00	10
1701–25	33
1726–50	20
1751–75	7
1776–00	15
1801–10	24
Total	256

Source: H.M. van den Heuvel, De Criminele Vonnisboeken van Leiden 1533–1811. *Rijnland, Tijdschrift voor Sociale Genealogie en Streekgeschiedenis voor Leiden en Omstreken*. V. 14–15. (1977–8).

from simple battery to mass murder. The social forces at work on violent crime seemed not to apply to women.

Even taking all violent crimes into account, the rates of violent crime in Leiden, indeed the Netherlands as a whole, appear low in comparison to their contemporaries.[74] Dramatic declines are reported in Amsterdam, Haarlem, and smaller villages, and this despite an increase in surveillance across the period. Similar declines across cities that served very different economic functions further support the contention that socio-economic conflict was less of a factor than the crisis historians may have believed. What other factors were at work?

Sociologists postulate that during time of civil unrest, crime increases proportionately with the breakdown of authority. There is little evidence, though, of a lack of vigilance on the part of the Leiden authorities. While the government of the United Provinces as a whole was decentralized, the city government was very much in control of the town and maintained that control despite the 80 Years War and the abdication of Spanish rule. Leiden courts kept records, held trials, supervised the *schutterij*, and exacted public punishment. An example of their vigilance

[74] See Pieter Spierenburg, "Long-Term Trends in Homicide: Theoretical Reflections on the Dutch Evidence, Fifteenth to Twentieth Centuries," in Eric. A Johnson and Erik H. Monkkonen, ed. *The Civilization of Crime* (Urbana: University of Illinois Press, 1996), 63–105.

is the decrease in knife-fighting. In the last decades of the seventeenth century, a number of knife-fighting cases came to trial. The court punished not only those involved in the fight, but also jailed bystanders who did nothing to prevent it. Knife-fighting stopped. Repression of this sort could be effective, but, on the other hand, there is also little direct evidence to tie the decrease in violent crime to an increasingly repressive regime. In a wider European context, Gorski provides evidence that police forces in the early modern Netherlands were woefully inadequate as compared to other European cities with considerably higher crime rates, such as Stockholm or Paris.[75] For example, the largest Dutch city, Amsterdam, had a volunteer police force of approximately 500 in 1700 while Paris boasted close to 3,000 and London approaching 800.[76] The administrative bureaucracy, on the other hand, was much more numerous in Leiden than comparable cities.

Despite low rates in the long run, there was a decided increase in violent crime in Leiden clustered around the second quarter of the seventeenth century. This is also the same period when the influx of refugees reaches its peak. The arrival of vast numbers of people uprooted from their familiar surroundings doubtlessly upset the social order. Many of these immigrants were committed Calvinists who had fled the campaign of persecution in the southern Netherlands. In this period, the Dutch Reformed church lacked the organization and pervasive community presence that the Catholic church had enjoyed prior to the Revolt. At the time of the arrival of the immigrants, the city lacked a system of public welfare and services and structures such as workhouses, hospitals, and orphanages were in their infancy.[77] After 1618, the Calvinist church abandoned the idea of becoming a public church in the Netherlands. This gave them a different relationship to their adherents than other state churches. During this crucial period of transition, many of the people of Leiden were without familiar moral guidance and community support, as the Reformed Church dealt largely with the needs of its own membership. This left a unique window, as the traditional institutions receded with the denouement of Dutch Catholicism and the new social institutions and practices, some Calvinist some not, rose to take their place. The cessation of high rates of violent crime by the second half of the seventeenth century suggests

[75] Gorski, 53.
[76] Gorski, 53.
[77] Kooi, 46–47.

that, at least in Leiden, social balance had been restored, and largely without the intervention of a centralized state, a process Gorski calls "revolution from below."[78]

Walter Reckless, a criminal sociologist, suggests that in order for public authorities to be effective in maintaining social order they must punish criminal behavior while at the same time providing benefits to those who choose not to become criminals, including a sense of cohesion and identification with a given society. Repression without intrinsic rewards, he argues, will lead to social instability and crime. While Gorski (and others) suggest that this dichotomy between repression and rewards is overdrawn, they also suggest that looking at the prevention of crime is just as important as examining the incidence of crime.[79] In this sense, then, the social forces that operated in the city of Leiden led simultaneously to control, to belonging, and to conflict. The distinctive mixture of the forces at work in the early modern Netherlands led to a society with a greater degree of self-control than was the norm in early modern Europe.

This revolution seems to explain the changing criminal patterns that emerge from the sentencing book of the Leiden courts, largely by widening the scope of inquiry both thematically and geographically. Sinful behavior became less and less the domain of churches, especially without a single state church, but the state could not take on the migration of the holy on its own and rather had to rely on the populace to find new, more informal means of maintaining the public morals of its citizens. Socio-economic conflict was endemic to the early modern world, especially in the rapidly modernizing province of Holland, but economic fluctuations did not correspond directly with shifts in criminal prosecutions. Over the long run, most punishments moved from summative (cumulative) to formative (on-going) and from exemplary to corrective, reflecting new attitudes towards social responsibility. It would be nice to believe that the seventeenth-century Dutch had pulled off a miracle, a feat of collective social engineering that speaks volumes to the crisis of civic and moral disengagement that pundits espouse in today's society. Like crime rates, however, the evidence for social order

[78] Gorski, 39.

[79] The cultural history of crime in the early modern period is a field in relative infancy. For a good overview, see Edward Muir and Guido Ruggiero, eds. *History from crime* (Baltimore and London: Johns Hopkins University Press, 1994).

BUCHNER AT THE FONT: GODPARENTING AND NETWORK BUILDING IN SEVENTEENTH-CENTURY WILNO

David Frick

In a postil published in Poznań in 1580 Polish Jesuit Jakub Wujek—future translator of the Bible and an architect of the Counter-Reformation in Poland-Lithuania—criticised the sins of "our Catholics," who "even in things that touch upon the faith, make bold to keep company with the heretics by attending their baptisms, their weddings, and their funerals."[1] The Calvinist *Agenda* published in Gdańsk in 1637, a handbook on doctrine and ritual for reformed ministers, contained similar warnings against permitting any sort of spiritual kinship with those outside the confession: "The servant of God is to strive most vigilantly that faithful parents not receive for Holy Baptism godparents of another religion, and he himself should not admit such ones without some great and significant reason."[2] These were attitudes more at home in the Polish Crown, where confessionalization was a somewhat easier sell; nonetheless, the hierarchs intended that they be binding for laity and clergy in the notoriously lax Grand Duchy of Lithuania as well. The title of the *Agenda* stated specifically that it was for use "in the evangelical churches of the Crown *and the Grand Duchy of Lithuania*" (emphasis added).

One of the reasons for the prohibitions, in addition to general attempts to maintain discipline, was that clergy of all the confessions that practiced infant baptism—whatever their belief about the nature of the sacrament—were largely in agreement that *one* function of godparenthood was the Christian upbringing of the child.[3] There are indications, however, that—at least in one confessionally diverse city—not all parents heeded the call and that some local clergy silently

[1] Wujek 1579–1580, II, 55.

[2] *Agenda* 1637, 47.

[3] For studies of the place of infant baptism in early modern European societies, with extensive surveys of the state of the scholarship, see Coster 2002 (on England) and Spierling 2005 (on Calvin's Geneva). In addition, see especially Bossy 1973, Bossy 1979, Bossy 1984 for thoughts on the fate of baptism as a cultural institution in early modern Europe.

looked the other way when a member of another confession presented him- or herself at the baptismal font. This suggests that, for some—laymen, but perhaps also clergy—godparenthood served purposes different from, or at least in addition to, spiritual instruction within the confines of the confession.

The City and Its Archives

By 1596, the year in which the Uniate Church was created, Wilno (Vilnius)—the capital city of the Grand Duchy of Lithuania and thus the second capital of the Polish-Lithuanian Commonwealth—was home to five Christian confessions, all of which practiced infant baptism. (In addition, Jewish settlement was then beginning its rapid growth in the city center; Islamic Tatars had had their local seat in the Łukiszki suburb since the turn of the XV century.) A royal decree of 1536 established parity between "Greeks" and "Romans"—at this point that meant Orthodox and Roman Catholics—in elections to the Magistracy at every level.[4] With the fragmentation of the confessional landscape in Wilno over the course of the sixteenth century, Roman Catholics, Lutherans, and Calvinists came to compete for seats on the Roman side of the Wilno Magistracy, Greek Orthodox and Uniates on the Greek side. This situation lasted until 1666 when another royal decree limited participation in city governance to Roman Catholics and Uniates, while maintaining equality between the two camps.[5] This limitation had no direct bearing upon other secular sodalities ranging from the influential *Communitas mercatoria*, positioned just below the Magistracy, down to the guilds of the lowliest and dirtiest trades, where parity arrangements similar to those first established for the Magistracy continued to function and to allow Lutherans, Calvinists, and Orthodox access to power.[6]

The reigning historiographical narrative about seventeenth-century Poland-Lithuania has been one of the disappearance of inter-confessional toleration and the establishment of Roman Catholic hegemony.

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[4] It is printed in *Zbiór* 1843, 53 and Dubiński 1788, 54.

[5] See the royal decree at LVIA SA 5104, 304v–310r, printed in *AVAK*, 299–310.

[6] For a brief introduction to the confessional landscape of seventeenth-century Wilno in English (with bibliography), see Frick 2003, 23–9. See also Schramm 1969 and Kosman 1972.

A closer look at the ways in which cities continued to accomodate multiple confessions adds complexity to the picture and calls into question assumptions about what the "victory of the Counter-Reformation" meant in practice at the local level.[7]

The sources are meager, though not entirely mute. Wilno burned twice in the period: once, of natural causes, in 1610, and again, in 1655, in the destruction that accompanied the occupation of the city by "the perfidious Muscovite." The archive of the Wilno Magistracy thus becomes relatively thick (and only relatively) after the resumption of normal activities in 1662. We are further hampered by the spotty nature of extant Church records. There are extensive baptismal registers for the Catholics at the Church of St. John (1611–1616, 1664–1670, 1671–1685, 1685–1692);[8] minimal records for German Catholics at the Jesuit Church of St. Ignatius (1666–1700);[9] and for the local Calvinists (1631–1655, 1663–1682, 1682–1700).[10] We have no such records for the Lutherans, Orthodox, or Uniates. Still, extant rolls of church offerings kept by the Lutherans over two-year periods in 1640, 1652, and continuously from 1662 to 1691 allow us to identify heads of households and, by comparing their names with the appropriate baptismal records, to uncover their roles as godparents for Catholic and Calvinist babies.[11] Other documents, especially last wills and testaments, allow us to assign confessional allegiances to other individuals, some of them Orthodox and Uniate, and to offer further information about the personal networks of the population.

I focus my attention in what follows on members of one Lutheran family that practiced particularly promiscuous extra-confessional godparenting.

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[7] In this, I agree with the main thesis of Magda Teter's recent *Jews and Heretics in Catholic Poland: A Beleaguered Church in the Post-Reformation Era* (Cambridge, 2006). She finds in the Church's continuing defensiveness (into the eighteenth century!) evidence that the "victory of the Counter-Reformation" was incomplete, especially once we look beyond the nobles, and "did not occur in the manner in which it has commonly been perceived" (p. 145).

[8] LVIA 604.19.94; LVIA 604.19.95; LVIA 604.19.96; LVIA 604.19.97.

[9] LVIA 1135.4.478.

[10] LVIA 606.1.102, 1r–24v; LVIA 606.1.103, 68r–74r.

[11] The lists of offerings are found in LVIA 1008.1.42.

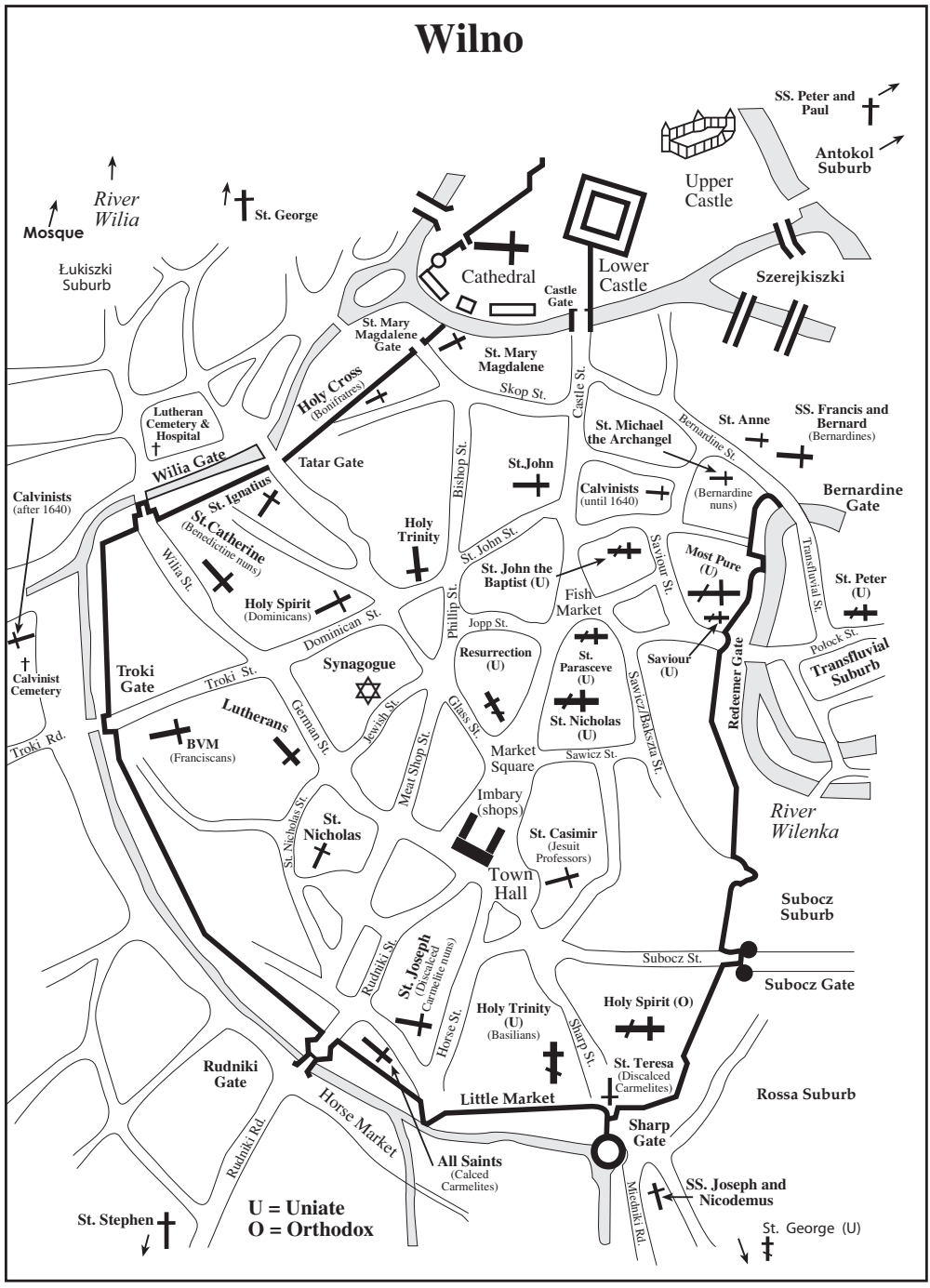

Fig. 1. Wilno in the Seventeenth Century.

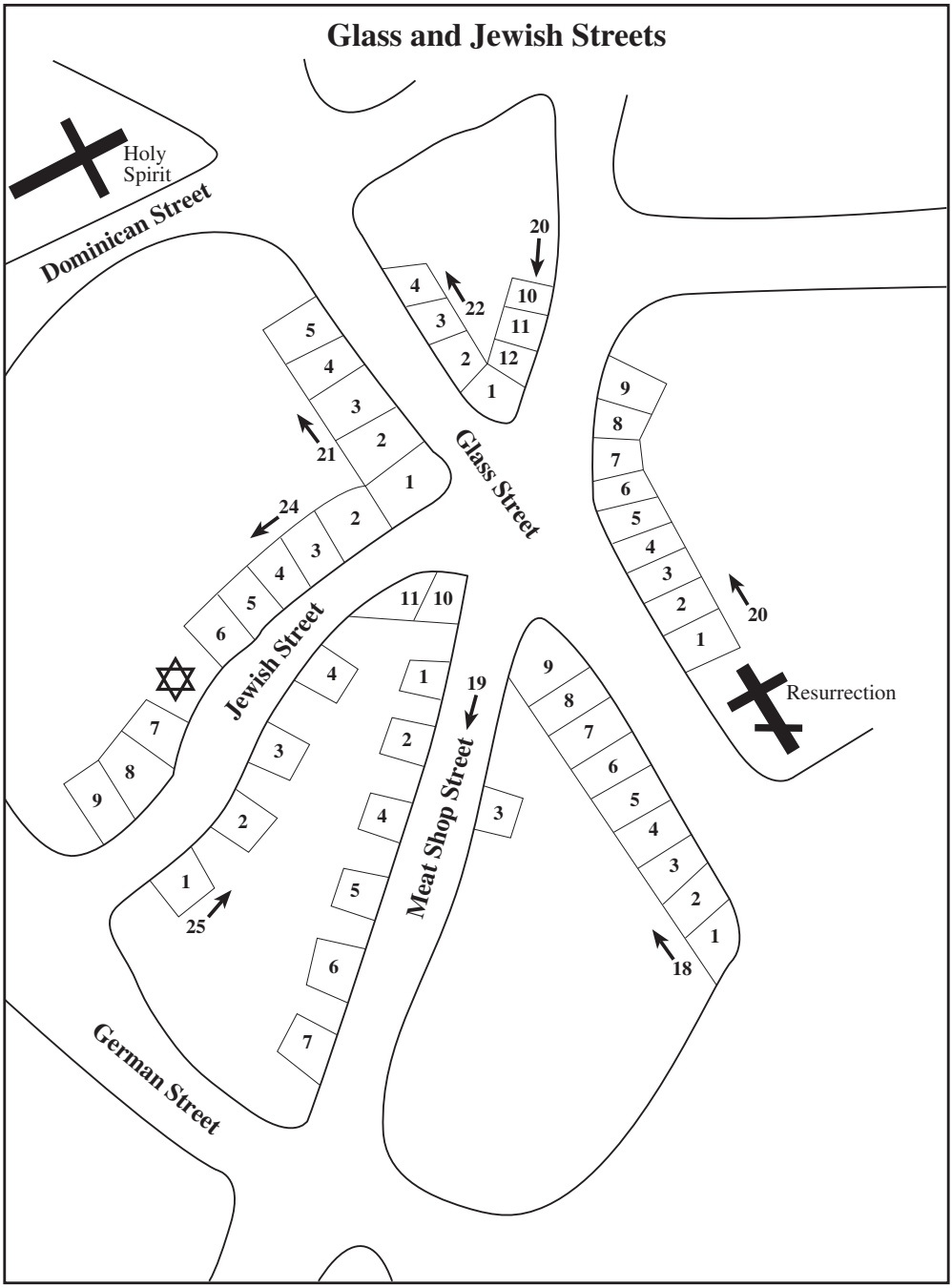

Fig. 2. Glass and Jewish Streets in Wilno.

Buchners

By the beginning of the seventeenth century, middling Lutheran merchants and artisans had settled in and around the narrow and winding Glass St., which ran from the top of the Market Square westward toward the St. John St.-Troki St. axis. They were thus around the corner from the Lutheran elite residing in upper Castle St. and one street up from their common place of worship on German St. Their shortest path to the Lutheran church took them through the Jewish neighborhood that arose in the course of the seventeenth-century on Jewish and Meat Shop Streets, and we find evidence of lively contacts between these Lutherans and their Jewish neighbors.

Glass St. was so named for the glassblowers' shops established there early on. A survey of 1636 did not note any such establishments; nonetheless, it gives the impression of a continuing concentration of artisans—goldsmiths perhaps chief among them, but also swordsmiths, ironsmiths, founders, soap boilers, and barber-surgeons—together with some merchants, occupying modest, though often two-story houses, of two to five chambers; many of them were bricked, but, in stark contrast to Castle St., we still find a number of wooden structures here in the first half of the seventeenth century. In 1636 Glass St. contained twenty bricked and twelve wooden structures, although some of the bricked houses had individual wooden chambers.[12]

The street was heavily Lutheran. At Glass St. 18.08 we find the modest two-story "little bricked house" of Lutheran merchant Marcin Buchner.[13] Buchner and wife Regina Stegnerówna had at least five children, all of whom married Lutherans, as did the one granddaughter I have been able to identify. And all of them would own and occupy houses in the Glass St. neighborhood.

Regina Stegnerówna Buchnerowa signed her will on 16 June 1685 in Wilno.[14] She had returned to the city by 1662 after the family's exile

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[12] Much of my information about house ownership and the physical topography of Wilno neighborhoods stems from two extant surveys (*Rewizje*) conducted in 1636 and 1639 in preparation for the arrival and stay in the city of the king, his court, and various entourages. They are to be found at BUJ, B Slav. F. 17 and F. 15.

[13] The addresses I have assigned to individual houses are based on the surveys mentioned in the previous footnote.

[14] A note on names. The Catholics kept their baptismal record in Latin. First names were Latinized, family names were in uninflected Polish form. The Lutherans kept their financial records in German. The Calvinists kept their books in Polish, as did, for the most part, the city Magistracy. As most of the source material for a study of

in Königsberg—which offered asylum to Vilnans of all five confessions during the Muscovite occupation—and, as "Frau Merten Buchnersche," "Martin Buchners Witfrauw," etc., she generously supported the Lutheran church in the period 1664–1683.[15] Her husband had died before 1652. Regina thus outlived him by more than thirty years and—contrary to one common pattern of the day—never remarried; and yet she seems to have played a certain independent role in Wilno society, and to have conducted her affairs largely on her own.[16]

Youngest son, merchant Jan Buchner, became a pillar of this second-level Lutheran society. He prospered for a time, rivalling the Lutheran elite in his generosity to the church over the period 1662–1701.[17] Like them, he would appear as "senior" of the congregation in the years 1671 and 1673.[18] He remained, however, in the neighborhood, and it was here he built his networks. The 1690 tax register of hearths found "*Pan* [Mr./Sir] Buchner" owning two "large bricked houses" on Glass St. Buchner lived in one of them himself, together with one Christian and six Jewish "neighbors"—a technical term here, signifying renters of chambers in the same house. In his second home there were four Christian and two Jewish "neighbors."[19] Jan's older brother Michał had

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seventeenth-century Wilno is in Polish, I have given all names in Polish form. But bear in mind: Jan was Johannes when he sponsored Catholic babies, but Johan or Hans in church, and perhaps at home, if he was Lutheran, and Iwan if he was Orthodox. Women were identified as the wives or daughters of husbands and fathers, and not always by their own Christian names in addition. In Polish usage the ending—*owa* indicated "wife of" and—*ówna*, "daughter of."

[15] She gave more than 20 zł in each two-year period. LVIA 1008.1.42, k. 75v, 96v, 116v, 126v, 141v, 158r, 194r, 213v, 234v.

[16] Marcin had likely died between 1640, when he was credited with an offering to the Lutheran church, and 1652, when his son Michał was the only Buchner on the rolls. Michał was the head of the family during the Königsberg exile. After the liberation of Wilno, the names of both Regina and son Jan appear. Michał may have died during the stay in Königsberg. His sister Marianna died there in 1656. For Regina Buchner's testament, see LVIA SA 5339, 220r–221v. For Marianna's testament, see LVIA 610.3.55, 2r–3r.

[17] He contributed in every two-year period between 1662 and 1691, when there is a gap in the record until 1701. He averaged around 32 zł each period. His peak of 46 zł in 1683 made him the second most generous donor out of 166 Lutheran heads of household. See LVIA 1008.1.42, 57r, 75r, 96v, 116r, 126r, 141r, 157v, 172v, 193v, 212v, 232v, 249v, 264v, 284v, 305r.

[18] LVIA 1008.1.42, 126r, 141r.

[19] Rachuba 1989, 42. The survey of 1690 was done by "quarters," without reference to individual streets, but Buchner's immediate neighbors in that document—Tym, Żegaliński, Tymin, Pecelt, Sieńczyło, Barszczyński, Hubryk, Sznejder—tell us that this is Glass St. Other sources place all of them there, and we will encounter some of them in the discussion below.

identified himself as a spice merchant when, in 1656, he signed the oath of loyalty to the elector of Brandenburg along with many other Wilno exiles of noble and burgher estate.[20] Perhaps the spice trade was part of the family business.

But if the greater Buchner family married exclusively within the Lutheran community (ignoring one black-sheep Calvinist second cousin), many participated in more extended networks that crossed this confessional boundary. Jan Buchner signed his name at least twice in the local Calvinists' financial records, acknowledging his contributions "to the support of God's praise."[21] Jan Buchner, his wife Krystyna Rejterówna, and a "Miss Tropówna" (Buchner's niece Marianna) served several times as godparents for Calvinist babies.[22] And Jan Buchner, mother Regina Stegnerówna, wife Krystyna Rejterówna, and niece Marianna Tropówna appeared on numerous occasions as godparents for Catholic babies.[23] Jan's wife and in-laws, the Rejter (Reutter) family, bring us into a related Lutheran network, members of which also frequently engaged in godparenting beyond their own confession. Many of their trips to the Calvinist and Catholic baptismal fonts brought them together with co-sponsors from the Buchner family.[24]

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[20] GSta PK XX HA EM 111k, Nr. 104, 85v: "Ich, Michel Buchner, bürger undt gewürtzkrämer von der Wilde. . . ."

[21] He gave 8 zł in 1689 and 1 zł, 15 gr in 1694. See LMAB F40–67, 451v, 455v.

[22] For Jan Buchner, LVIA 606.1.102, 22r, 24v. For Krystyna Buchnerowa (by mistake identified here as "Anna"), LVIA 606.1.102, 21r. For "Miss Tropówna," LVIA 606.1.102, 21r.

[23] For Regina Buchnerowa, LVIA 604.19.95, 16v–17r, 21r, 40v, 53r, 54r, 79v, 97r, 158r, 162r–v, 177v, 236v, 255r, 307r; LVIA 604.19.96, 6r, 21v, 37v, 60v 61r, 65r–v, 70r–v, 73v, 94r, 96v, 125v, 145v, 148r, 151v, 245r, 248v, 262r, 276v, 403v. For Jan Buchner, LVIA 604.19.95, 61r, 79v, 97r, 158r, 185r, 255r, 327v; LVIA 604.19.96, 25r, 103v, 121r, 135r, 136v, 140r, 143r, 151v, 181v, 197r, 218v, 489r; LVIA 604.19.97, 118v. For Krystyna Buchnerowa, LVIA 604.19.95, 9r, 78r; LVIA 604.19.96, 65r–v, 71r, 80v, 140r, 368r. For Marianna Tropówna, LVIA 604.19.96, 100r, 103r, 111r, 116r, 129v, 143r, 155r, 197r, 214r–v, 220r.

[24] For the family relationships, see the genealogical table. Jan Buchner's father-in-law Jachim Rejter was godparent to two Calvinist babies (LVIA 606.1.102, 7r, 12r); mother-in-law "Jachimowa Rejterowa" (apparantly she was Krystyna, like her daughter) to one Calvinist and three Catholic babies (LVIA 601.1.102, 15v; LVIA 604.19.96, 173v, 189v, 208r); Dorota Rejterówna for one Calvinist baby (LIVA 606.1.102, 10r); Katarzyna Fonderflotówna for two Catholic babies (LVIA 604.19.95, 203v, 271r), Andrzej Peżarski (NB: a Lutheran, in spite of his Slavic family name) for two Catholic babies (LVIA 604.19.96, 151v, 368r); Zuzanna Fonderflotówna for two Calvinist and four Catholic babies (LVIA 606.1.102, 22r, 23r; LVIA 604.19.95, 259v; LVIA 604.19.96, 70r–v, 111r, 313r); Dawid Lidert for five Catholic babies (LVIA 604.19.96, 70r–v, 202v, 216r–v, 220r, 368r); and Rejnhold Fonderenda (the lone Calvinist in the family) for five Catholic babies (LVIA 604.19.95, 317v; LVIA 604.19.96, 129v, 198v, 247r, 271r).

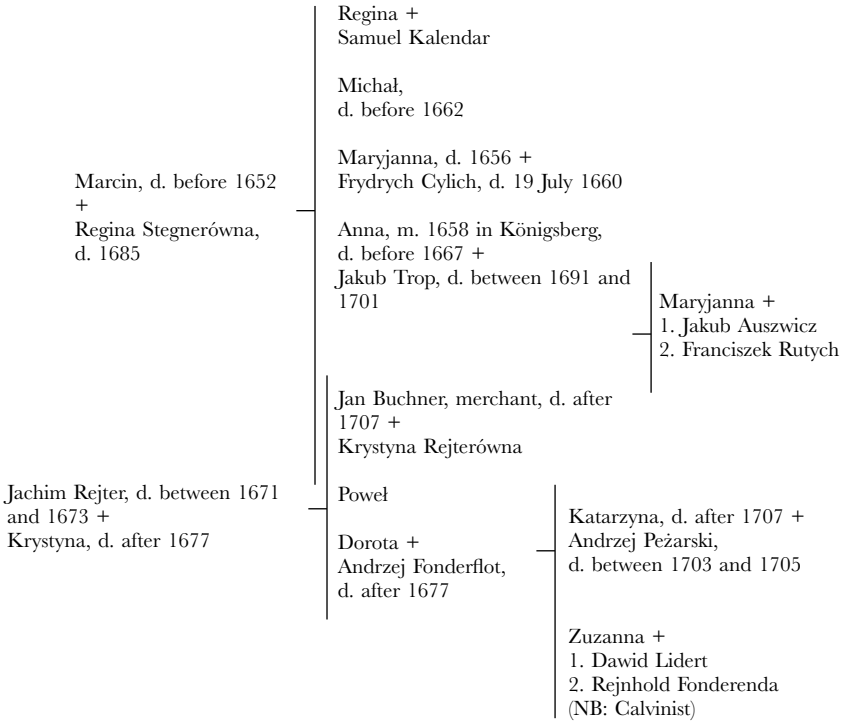

Fig. 3. Buchners and Rejters.

Jan Buchner appeared at the font of the Catholics' St. John at least 27 times over the years 1665–1680. There are some obvious gaps in the ledger in 1665–1666 and 1671, but the rest appears to be complete. I focus on that fifteen-year period in my comments here. Over that period there was only one year when he did not appear at all. This was in 1671, one of the years for which the extant record is incomplete; his name may well have appeared in the missing entries for that year. He reached his peak in 1674 when he sponsored five Catholic babies. The year seems to have been a high point for the rest of the family as well: mother Regina was at the Catholic font four times, wife Katarzyna once, niece Anna (Marianna) Tropówna four times, which makes fourteen appearances by the immediate family in one year. The total number of babies sponsored by the four Buchners that year was fewer—eleven—since Jan Buchner's name appeared once with each of the three women from his family. That year a total of 705 babies were baptised at St. John's, so the immediate Buchner family participation in Catholic godparenting was 1.6% of the total. But villagers from rural regions not belonging to Wilno and its suburbs regularly brought babies

for baptisms, often waiting for major feast days such as Palm Sunday. As they came from quite a distance, they cannot be said to belong to the daily life of the city and its rhythms. Thus if we wish to estimate Buchner family participation in the sponsoring of Catholic babies from the Wilno conurbation the number rises. That year 625 sets of parents from the city and its suburbs had their babies baptised at St. John's, and Buchners sponsored 1.8% of them. The total number of babies who had non-Catholic godparents in 1674 was at least 32 or 4.5% of the total; this was at least 5.1% of the babies from Wilno and the immediate environs. I say "at least" for two reasons: I can identify Orthodox and Uniates only where I have chanced upon information about them from other documents such as testaments; further, women were frequently identified by their husbands' or fathers' names. Thus I may have overlooked some non-Catholics among the godparents. Jan Buchner's appearances at St. John's over the years, it is worth noting, came on every day of the week, including six times on Sunday.

Case Studies

I offer here three clusters of Buchner family interventions as godparents for Catholic babies. This is not the whole story, but it will help give a sense of what was going on in Wilno and provide a basis for some further hypotheses.

1. *Buchners and Sieńczyłos*. On 26 August 1673, Szymon Safarowicz and Katarzyna Wojsowiczówna offered a son for baptism at the Catholic Church of St. John. They named him Bartłomiej, and he was "raised from the font" by four godparents: Gabriel Sieńczyło, Jan Buchner, Anastazja Żagiewiczówna, and Anastazja Sieńczyłowa. A little over two and a half years later, Szymon Safarowicz was back in the same church, together with wife Katarzyna Daniusiewiczówna, to present a daughter Rozaria.[25] Her godparents were Jan Harszewski, Jan Buchner, Anastazja Sieńczyłowa, and Katarzyna Kalofowa.[26]

We know Jan Buchner. About Jan Harszewski I can offer nothing. Katarzyna Kalofowa was likely the wife or a relative of the Lutheran

[25] It is unclear to me whether Safarowicz had two wives, both named Katarzyna, or whether the registrar made a mistake on one of the occasions and this is the same woman.

[26] LVIA 604.19.96, 103v, 222v.

Kalofs who took on the duties of godparent for Catholic babies alongside other Lutherans, once sharing the role with Regina Buchnerowa.[27] "Valentin/Valtin Kalau" made regular offerings to the Wilno Lutheran church in the years in question (1671–1691) and would seem to have been the head of the household.[28] Anastazja Żagiewiczowa may have been Orthodox. Her first name suggests Ruthenian origins, and the Józef Żagiewicz who crops up in my reading of the archive for the years in question was a merchant with strong Ruthenian connections.[29] These names—Kalof and Żagiewski—belong to the realm of circumstantial evidence, but they may take on more significance when placed in the context of larger patterns.

The two remaining godparents were Orthodox. Anastazja Sieńczyłowa was married to Grzegorz Sieńczyło, and Gabriel—Anastazja's co-godparent for Bartłomiej Safarowicz—was her brother-in-law. The Sieńczyło patriarchal home was in the thoroughly Ruthenian neighborhood across town at Subocz St. 78.07.[30] Anastazja herself was from the Sokołowski family, which produced a number of Orthodox Wilno merchants.[31]

Members of the Sieńczyło family—Anastazja, Grzegorz, and Gabriel—appeared in the Catholic baptismal record at least thirteen times over the years examined.[32] The Safarowicz babies were not the only ones for whom Buchners and Sieńczyłos shared the duties of godparenthood. What brought them together in this role?

I know of three and a half attempted confiscations of the houses and property of Wilno Protestants and Orthodox during the period of the Muscovite occupation and the wars with Sweden of the mid century: one and a half directed against Lutherans, one against a Calvinist, and

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[27] LVIA 604.19.96, 277v, 415r.

[28] LVIA 1008.1.42, 127r, 142r, 159r, 173v, 194v, 214r, 235r, 251r, 266r, 286r, 306r.

[29] Józef Żagiewicz was the guardian of the widow of merchant Jan Chalkiewicz. She was Anna Sielawianka, daughter of Orthodox or Uniate merchant Paweł Sielawa. She would go on to marry Ruthenian merchant Bazyli Sierhejewicz. See LVIA SA 5115, 152r–156v.

[30] BUJ, B Slav. F. 94v.

[31] Orthodox merchant Krzysztof Sokołowski was married to a Maryna Sieńczyłówna, which suggests close ties between the Sokołowski and Sieńczyło families. See the posthumous inventory of Krzysztof's estate at LVIA SA 5112, 514r–517v and his testament at *AVAK* 8, 522–8.

[32] LVIA 604.19.95, 204r, 214r; LVIA 604.19.96, 13r, 80v, 103v, 135r, 181v, 222v, 284v, 339r, 522r.

one against an Orthodox family. All of these attempts were based on royal privileges for the alienation of property by the "law of escheat" (*jure caduco*). The *jus caducum* allowed the transfer of private property to the king and gave him the right to dispose of it as he saw fit, including bestowing it upon clients. The two main reasons for invoking the law were: the death without male heir of a "foreigner" (in our case, of a resident who had not taken the oath of citizenship); and acts of treason committed by the property owner.[33]

Only one of the attempted confiscations was fully successful. Fully unsuccessful was the attack on the Sieńczyło family home and property.[34] Half successful—depending how we look at it—was the case involving the Buchner family. In 1661 "captain of His Royal Majesty of the artillery of the Grand Duchy of Lithuania" Jakub Trop presented to the Wilno Magistracy a royal decree dated the preceding year in which King Jan Kazimierz granted him possession of half of a house on Glass St. It had been owned by a "foreigner," Frydrych Cylich, who had died without heir, and thus was the king's to bestow by law of escheat. Here, as in the other attempted confiscations, the rhetoric of the royal privilege presented to the Wilno Magistracy was one of rewarding faithful service during the war with Sweden, Muscovy, and the Cossacks, even if the "victim" of the confiscation in this case was not a traitor but merely a "foreigner" of a particular sort. The decree tells us that Trop owned the other half of the house in question. What the decree does not tell us is that Cylich was Trop's brother-in-law (both were married to Buchner girls), and that the "faithful, constant, and well-disposed" Trop was a Lutheran just like his "foreigner" brother-in-law, the barber-surgeon Cylich.[35] The attempted confiscations were sometimes based

[33] On the *jus caducum* in Polish Magdeburg law, see Kaczmarczyk 1966, 301, 309.

[34] On 17 September 1660 (during the Muscovite occupation of the city!), a certain Karol Marson, "major of His Royal Majesty," presented to the "temporary Wilno magistracy" a privilege from King Jan Kazimierz conferring upon him the property of "traitor Paweł Sieńczyło and his spouse," who were accused of collaboration with the Muscovites. Obviously the "temporary Magistracy" functioned with some autonomy during the "occupation." See LVIA SA 5099, 257r–260r for the beginning of the proceedings. The case continued into October and November of 1662. For this later stage, see RGADA 1603.12.14, 817–28. But as we will soon see, the family house on Subocz St. was still in the hands of Paweł's heirs in the 1680s.

[35] For Trop's "confiscation" of his brother-in-law's property, see LVIA 610.3.56, 1r–3v. Cylich was still alive in August 1656, when his wife Marianna Buchnerówna had her will registered with the Königsberg Magistracy. See the copy at LVIA 610.3.55, 2r–3r. Trop's contributions to Lutheran finances in the second half of the seventeenth

on fabricated evidence presented to a perhaps unwitting king in an attempt to exploit the mid-century wars for private gain at the expense of non-Catholics, both Protestant and Orthodox. As they were often fraudulent, they were also frequently unsuccessful.[36]

Whether we treat the Cylich "confiscation" as a success or not, one thing linking Buchners and Sieńczyłos was the fact that they were both moderately successful merchant families, integrated into Wilno society well enough, and yet subject to being portrayed as "outsiders."[37] Jan Buchner was at the top of the middling Lutherans. Even if he had wished to launch a career in the ruling elite, he would have been unable to do so: in spite of his wealth, his ties with the Lutheran elite residing on Castle St. were limited and not those of social equals. And in any case, after 1666 Lutherans were banned from holding office in the Magistracy; in this situation, ambitious members of the Lutheran burgher elite were busy marrying or otherwise stealing their ways into the Lithuanian nobility. The Sieńczyłos had been on their way to joining the ruling burgher elite in the first half of the century. Filip Sieńczyło (he was the father of Paweł, Gabriel, and Grzegorz) was annual councilor in 1614 and burgomaster in 1634 and 1641. Paweł had been a bencher.[38] Gabriel and Grzegorz were wealthy men, but they did not seek office in the Magistracy, perhaps because, after 1666, this would have required at least *pro forma* allegiance to the Uniate Church.

And yet, while it may have given the Buchners and the Sieńczyłos something to talk about, outsider status alone did not create this network. The answer lies in the ties of neighborhood. Gabriel Sieńczyło seems to have been the older of the two brothers, and it was likely he who took possession of "the Sieńczyło house that has been handed down from the grandfathers and great-grandfathers on Subocz St.," right in te middle

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century are recorded in LVIA 1008.1.42, 57r, 75r, 96r, 116r, 126r, 141r, 157v, 172v, 193v, 212v, 232v, 249v, 264v, 284v, 305r.

[36] Elmantas Meilus (2000, 103) has warned against treating these sorts of privileges as sources accurately reflecting the actions of the accused traitors.

[37] The one successful confiscation I have found was of the property of a member of the Lutheran elite who was, according to the royal privilege, "a traitor to the Republic" and was "now living in Riga under Swedish rule." LVIA SA 5104, 515v–519r; LVIA SA 5102, 63v.

[38] The survey of 1636 tells us that the Sieńczyło house on Subocz St., later in the possession of Gabriel and Grzegorz, was the property of "burgomaster Sieńczyło," and Filip was the only one to hold that office. See BUJ, B Slav. F. 17, 94v (the survey); LVIA SA 5324, 13r, 15v, 16v (Filip's career in the Magistracy); LVIA SA 5099, 328r (Paweł a bencher).

of the Ruthenian neighborhood; it was still in the family in 1688.[39] Younger brother Grzegorz had to set himself up, and he made the unusual move for an Orthodox Vilnan of buying a house on Lutheran Glass St. He and wife Anastazja Sokołowska had purchased the house of Lutheran barber-surgeon Jerzy Dames at Glass St. 20.05 in 1667, and she was still living there as a widow in 1690.[40] The posthumous inventory of Grzegorz's property conducted in 1686 offers a picture of a wealthy businessman, with interests in the family properties on Subocz St. and an intent to be buried with the Orthodox at the Holy Spirit Church and monastery in the old neighborhood; but it also reveals business connections typical of the Glass St. neighborhood: his debts were to, and his creditors were among, the Lutherans and Jews of the immediate surrounding.[41]

This suggests that Safarowicz, about whom I know nothing further, was being careful about his ties to the Glass St. neighborhood. Szymon Safarowicz himself would sponsor Catholic babies on at least four occasions, his wife Katarzyna Safarowiczowa at least twice.[42] In every instance, the Safarowiczes shared the duties of godparenthood with Lutherans, all but two of whom I can situate in specific Glass St. addresses. And the survey of 1690—to return now to a piece of circumstantial evidence with which I began this discussion—tells us that the "great bricked house once of the Kalof family [*quondam* Kalowska]" was in the neighborhood.[43]

2. *Buchners and Grekowiczes*. On 10 May 1680, Marcin Żegalinski and wife Katarzyna Dyjakowska had their son Dominik baptised at St. John's. Not a one of his godparents was Catholic: they were Jan Buchner, Bazyli Omelanowicz (Orthodox or Uniate, likely the former), Anna Grekowiczówna, and Katarzyna Goliuszowa (both Calvinist).[44] Żegaliński was Catholic; wife Dyjakowska (judging only by the name) could have had some Ruthenian roots. But the choice of godfather Bazyli Omelanowicz, if it had any confessional motivation (the name

[39] LVIA SA 5111, 873–890.
[40] LVIA SA 5104, 460v–463r; LVIA SA 5111, 881; Rachuba 1989, 42.
[41] See the inventory at LVIA SA 5116, 41r–49v.
[42] LVIA 604.19.96, 80v, 98r, 205v, 252v; 181v, 189v.
[43] Rachuba 1989, 40
[44] LVIA 604.19.96, 397v.

can only be Ruthenian), was again likely based more on ties of neighborhood and the profession that predominated there.

Marcin Żegaliński was a goldsmith. His father Augustyn (d. 1657) had also been a Catholic goldsmith and had owned "half a house" on Glass St. The other half was the property of Lutheran goldsmith Job Bem (Böhm), who, in 1636, resided (apparently then as a renter) at Glass St. 18.11, three houses down from the original Buchner family dwelling.[45] Marcin Żegaliński inherited part of his father's Glass St. property, and he also owned the "Tym house," likewise on Glass St. A document from 1679 tells us that Augustyn Żegaliński's house was near the property of Jan Buchner, and that Marcin's sister Anna sold her portion of the family house to Buchner.[46]

Bazyli Omelanowicz was likely some close relation—perhaps the son—of a goldsmith by the same name who had also lived and worked in Glass St. The elder Bazyli was married to Marianna, the daughter of a Lutheran goldsmith Jakub Sznejder, in whose Glass St. atelier he lived and worked. He had died by 1666.[47] I suspect the younger Omelanowicz's presence at the font had something to do with the goldsmith's trade that his older namesake had practiced and with the fact that the latter had lived and worked on Glass St. The Bazyli Omelanowicz I find active around 1680 had ties with the Orthodox and Uniates of Subocz St.[48]

Anna Grekowiczówna (probably a mistake here, and it should have been Grekowiczowa as it was on all other occasions) was likely the wife of one of the Calvinist goldsmiths of that name. Jan Grekowicz had once lived and worked on Glass St. before moving nearer the Calvinist church, where he served as a lay elder.[49] Anna Grekowiczowa was named as godmother on twelve occasions in the record of the Wilno Calvinist church during the years 1663–1682.[50] She also took on those

[45] BUJ, B Slav. F. 17, 47r. His contributions to the Lutheran church for 1640 and 1652 are recorded at LVIA 1008.1.42, 10r, 40v.

[46] On the house and shop of Żegaliński father and son, see Laucevičius 2001, 301–2.

[47] On the elder Omelanowicz, see Laucevičius 2001, 252. Also see LVIA SA 5104 592r–593v for the Sznejder family and Omelanowicz's place in it.

[48] LVIA SA 5104, 377r–378r; LVIA SA 5109, 433.

[49] There were four Grekowicz family members working as goldsmiths in Wilno. They baptised their babies in the local Calvinist church and were active as lay seniors and godparents of Calvinist babies. See Laucevičius 2001, 210–1. See BOZ 803, 452 for a document that places Jan Grekowicz on Glass St.

[50] LVIA 606.1.102, 17r, 18v, 19r, 19v, 20r, 20v, 23r, 24r, 24v.

duties at least three other times for Catholic babies, on one occasion in 1674 sharing the task with Jan Pecelt, a Lutheran ironsmith from Glass St. (about whom, more in a moment), and on another occasion with Regina Buchnerowa and a certain Albrycht Sznejder.[51] The latter was the apothecary who attended the Lutheran church in those days; he was likely a son or nephew of the goldsmith by that name who had worked and lived on Glass St. in the 1640s.[52] The elder Albrycht Sznejder was the brother of Jakub and thus the uncle of the elder Bazyli Omelanowicz.[53] The younger Albrycht Sznejder still lived on Glass St. in 1690.[54]

Katarzyna Budrewiczówna Golliuszowa was a Calvinist and the wife of Calvinist royal secretary Jan Golliusz.[55] As there were no professional ties here through the goldsmith's trade, and no confessional connection with either parent, we might again suspect some connection through the neighborhood. Evidence for this hypothesis can be found in the Golliuszes' own choice of godparents for their Calvinist babies: for one of them "Nastazja" Sieńczyłowa (i.e., our Anastazja Sokołowska Sieńczyłowa), for another "Sir Sieńczyło"—the place for the first name was left blank, but here too it was most likely Anastazja's husband or brother-in-law.[56] In any event, both were Orthodox and could have been tied to the Golliuszes directly by the Glass St. neighborhood.

3. Buchners and Dąbrowskis. The name is not uncommon, and several men and women with the surname Dąbrowski appear as parents and godparents in the record book for baptisms at St. John's. In several instances, Buchners and others of their Lutheran circle appear with them, which makes me think we are again dealing with individuals tied to the Glass St. neighborhood. I will focus on one of them, Tomasz Dąbrowski, who had at least three children baptised at St.

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[51] LVIA 604.19.96, 101r, 148r.

[52] "Albrecht Schneider, Apodecker," contributed 16 zł to Lutheran coffers in 1667. See LVIA 1008.1.42. He continued to contribute throughout the period, but he was no longer identified by his trade, as such information was now regularly omitted from the register.

[53] On the Lutheran Sznejder goldsmith dynasty working in Wilno, see Laucevičius 2001, 279–80.

[54] Rachuba 1989, 42.

[55] We learn her maiden name and the name and title of her husband from the Calvinist baptismal record: LVIA 606.1.102, 22v.

[56] LVIA 606.1.102, 24r, 22v.

John's. I have no reason to suspect he was not Catholic. His wife was once called Marta Tarnawska, once Marianna Tarnawska, and once simply Marianna. But this was likely the same person, and she too was apparently Catholic. The couple chose names for their children that appear regularly among Catholics: Katarzyna and Jerzy among the more popular, Antoni among the somewhat less common.[57]

But the sponsors they chose for these Catholic babies included many non-Catholics. The duties of godparenthood for Katarzyna were shared by Grzegorz Sieńczyło (our Orthodox merchant living on Glass St.), Szymon Safarowicz (likely a Roman Catholic, with Glass St. connections), Krystyna Buchnerowa (Jan's wife), and a certain Katarzyna Mogilnicka, about whom I know almost nothing further. Her maiden name was Fokitinówna (this we learn from the Catholic baptismal record of her own child).[58] The name—the registrar seems not to have gotten it quite right—suggests "otherness"; even so, she may have been Catholic.

Jerzy Dąbrowski also received four godparents: Jan Buchner, Jan Pecelt, Katarzyna Safarowicza (Szymon's wife), and Anastazja Sieńczyłowa. Again, it was the neighborhood that brought them together. Only Jan Pecelt is mostly new to us. (We found him sharing godparent duties with Anna Grekowiczowa above.) There were two middle-level Lutherans of that name, father and son, both ironsmiths. This was likely the son. Pecelt Jr. had married Katarzyna Szmitówna, widow of Malcher Ilis, the Lutheran swordsmith who owned the house at Glass St. 21.03.[59] In the 1660s and 1670s Pecelt was overseeing his wife's properties, which included two more houses in the neighborhood.[60]

Finally, Antoni Dabrowski received only two godparents: Jan Buchner and Dorota Bezowa. The Bezes (Böss) known to me were Lutherans, one of them, Daniel, was a surgeon, the other, Zachariasz (occupation

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[57] LVIA 604.19.96, 80v, 181v, 397v.

[58] LVIA 604.19.95, 273r.

[59] BUJ, B Slav. F. 17, 51r.

[60] The rolls of Lutheran giving carefully distinguished between the contributions of "Hans Petzelt, der Alte," and "der Jünger." For Melchior Ilis's will and subsequent litigation over his estate (including references to Pecelt), see, LVIA SA 3333, 319r–322v, LVIA SA 5102, 222v–226r, LVIA SA 5119, 397r–398r, LVIA SA 5337, 367r–v. Pecelt the Younger served in the 1670s as a "Dreißigman," a lay office of some significance, although less than that of "senior" (LVIA 1008.1.408, 65; LVIA 1008.1.45, 8r). He was godparent to Catholic babies fourteen times. His last appearance as a godfather to Catholic babies was in 1677, which is the same year as his last contribution to Lutheran finances. After that, only "der Alte" remained on the Lutheran rolls.

unknown), served as a witness during the Königsberg exile to the testament of Jan Buchner's sister Marianna Cylichowa.[61]

Godparenting and Network Building

The evidence I have put together—some pieces of it direct, others circumstantial—suggest further lines of reasoning. Clearly, Christian education, if we define that term as an upbringing within the confines of confession, cannot have been on these particular parents' minds as they chose sponsors for their babies. I have pointed to the ties created by neighborhood, which sometimes included the ties of professions predominating in a particular neighborhood. Parents were not so much interested—at least in these cases—in providing guides in the faith as sponsors in very local, worldly life.

How did the clergy look upon this? We have only the most indirect of information. The Calvinist record of baptisms occasionally drew attention to the presence of a "Saxon" or of a "papiste" among its godparents.[62] The Calvinist church of Wilno once disciplined one of its own, a member of the Grekowicz goldsmith family, for fraternising with members of "another" confession.[63] Unfortunately, we do not have records of Lutheran baptisms, so we are unable to form an impression of what sorts of spiritual kin people like the Buchners were choosing for themselves and their babies. We might expect them to be somewhat more open than the Calvinists, who frequently drew on Lutheran godparents, mostly silently, but less frequently on Catholics. Jesuit pasquils notwithstanding, Wilno Lutherans co-existed with the dominant Roman Catholics much more peacefully than did their Reformed brethren.[64]

The frequency with which Catholic parents chose non-Catholic godparents for their babies is, I think, surprising. But so is the absolute silence of the registrars on this topic. Perhaps even more so. The entries were boilerplate. They tell us, always in the same order and with the same syntax: the date of the baptism, the names of the priest, baby,

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[61] LVIA SA 5341, 49r–51r; LVIA 610.3.55, 3r.

[62] "*Sas*"—LVIA 606.1.102, 10r, 11r, 20v. "*Papieżnica*"—LVIA 606.1.102, 14v.

[63] This occurred at the annual provincial synod for the Lithuanian Reformed Church meeting in Wilno in 1664. By the next year's synod he was returned to grace (and discipline). LMAB F40–1136, 242, 252.

[64] On this, see Ragauskas 2004. The pasquils against the Wilno Lutherans are published in Nowak 1968.

father, and mother, the fact that the child was (or was not) legitimate, the parents' place of residence, and the names of the godparents. Not a word about the confession of the godparents. It is only by comparing these names with other lists and documents that I have been able to ferret out the interlopers.

It cannot always—not even often, in my view—have been a case of "don't ask, don't tell." There are signs that Jan Buchner, for one, enjoyed a certain amount of respect in the eyes of Catholic authorities. In 1669 he and Lucja Juskiewiczowa stood as the sole godparents for the illegitimate, but Catholic, child of a certain Katarzyna.[65] What is more, the child was a boy, and Jan Buchner gave him his own Christian name. Perhaps neighborhood again played some role. Why else would an apparently Catholic woman seek the services of this Lutheran man as a sponsor for her illegitimate child? Are we to suppose that the unnamed father was a Lutheran? Godparents played even more important roles for illegitimate children than for those legitimately conceived, but the priest did not insist on any objections he might have had.[66]

A year earlier, in 1668, Jan Buchner had sponsored a Jewish girl or woman who received the name Anna when she was baptised in the Catholic Church. This seems to me an even stronger vote of confidence on the part of the Catholic clergy. These occasions were treated as festive events, and the godparents were often drawn from the Catholic elite. When that same year a Jewish male converted and took on the name Kazimierz (that of the Jagiellonian patron saint of Lithuania), he was baptised not by the usual parish priest, but by Bishop of Wilno Aleksander Sapieha, and his godparents were Palatine of Wilno Jerzy Hlebowicz, and "*Magnifica D[omin]na Leonora Gorska Wojnina*," all of them Catholics.[67] Wojnina was the wife of Aleksander Michał Wojna Jasieniecki, vice-palatine of Wilno.

Jan Buchner's Jewish goddaughter did not receive sponsors of quite that rank, but still, they were significant: in addition to Buchner, there was Wilno burgomaster "*Dominus Franciszek Burba*," "*Domina Cecylia Kukowiczowa*," and Konstancja Burbianka Antonowiczowa.[68] All but Buchner were related. The Burbas were a Catholic family with members

[65] LVIA 604.19.95, 231v.
[66] On the baptism of illegitimate babies in Calvin's Geneva, and for a wider discussion of attitudes in early modern Europe, see Spierling 2005, 158–92.
[67] LVIA 604.19.95, 214r.
[68] LVIA 604.19.95, 212v.

in the burgher ruling elite. Cecylia Kukowiczowa was the wife of Uniate mayor Jan Kukowicz. She was likely Orthodox or Uniate. She and her husband lived in the house they inherited from her father, Mikołaj Zypła, in a heavily Orthodox neighborhood. In his testament, Jan Kukowicz called Franciszek Burba his brother-in-law, so perhaps one of Jan's sisters had married Franciszek.[69] Konstancja was a Burba (Burbianka = unmarried daughter of Burba). She was the wife of Joachim Antonowicz, who also seems to have been Catholic. But the Antonowiczes drew on Lutheran Glass St. denizens for godparents for their own children: in one case, Zachariasz Hubryk, a Lutheran merchant and brother-in-law of Jan Pecelt; in another, Orthodox merchant Gabriel Sieńczyło.[70] Other members of the Antonowicz family did the same: Kazimierz Antonowicz called on Zachariasz Hubryk and Lutheran Barbara Zatrybowa, whose Catholic husband had witnessed the testament of Jan Buchner's sister Marianna Cylichowa during the Königsberg exile;[71] and Stanisław Antonowicz chose Regina Buchnerowa (three times!).[72]

All of this suggests that neighborhood was also at play here. Glass St. and Jewish St. formed one community in some ways, and Jan Buchner himself lived in his Glass St. house together with Jewish renters. Perhaps the newly baptised Anna was one of his "neighbors." But this also suggests a certain status for Jan Buchner in the eyes of Catholic clergy. Not just anyone was asked to stand as godparent to a Jewish convert.

The documents of the Wilno Magistracy kept in Polish (and that was the vast majority) used the title *Pan* ("lord," "sir") for almost anyone, regardless of birth; to indicate nobility it was necessary to write something like *Jego Mość Pan*…—"His Grace, Sir…" The baptismal record for St. John's was kept in Latin, and the use of the title *dominus*, although an exact translation of the Polish *Pan*, was regularly reserved for the nobles or for the families of Wilno magistrates, who enjoyed noble rights. In the previous record, Burba and Kukowiczowa, a burgomaster

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[69] BUJ, B Slav. F. 17, 91v–92r; LVIA SA 5335, 116r–120r.

[70] LVIA 604.19.96, 284v, 339r.

[71] LVIA 604.19.95, 259r; LVIA 604.19.96, 355r. The copyist of Marianna Buchnerówna's testament misread "Christoff Satrib's" German signature as "Satrius," but his wife's own will provides the correct identities (as well as her first husband's confession) and spellings. See LVIA 610.3.55, 3r and LVIA SA 5341, 49r–51r. Barbara contributed in her "own" name ("Chriestof Satri[e]bsche") to Lutheran finances. LVIA 1008.1.42, 74r, 95v, 125r, 140r.

[72] LVIA 604.19.95, 162r–v, 307r; LVIA 604.19.96, 266v.

and a burgomaster's wife, were titled *dominus* and *domina*. Buchner and Antonowiczowa were not given titles.

But on one occasion Catholic baptismal records accorded Buchner the title *dominus*. What is more, his co-godparent was a Catholic priest (*Admodum Reverendus Dominus Joannes Kal*—"Most Reverend Lord Jan Kal"), in addition to Lady Lucja Bojmowa, and Lady Marianna Rychterowa.[73] The first godmother was the wife, of Wilno *wójt* (the highest burgher office) Paweł Bojm, the second the wife of burgomaster Mikołaj Rychter. Both men were Catholics. Burgher Jan Buchner had entered into higher spheres here. More notably, he stood on this occasion next to a Catholic priest as co-godfather.

Godparenthood provided Jan Buchner with a certain status in Wilno society, and it gave the families of his godchildren a burgher patron of some importance: the fact that nearly all the people for whom Buchner sponsored babies remain for me little more than names suggests that they had looked higher than their own estate for godparents. It also allowed him to build community across confession at the neighborhood level. Think of baptismal and other celebrations that brought together Lutherans, Calvinists, and Orthodox for food, drink, and music in the houses of their Catholic neighbors on Glass St. The lower-level clergy administering the baptisms were much more a part of the life of the neighborhoods than the likes of Jakub Wujek and the higher clergy who penned the Calvinist *Agenda*. An understanding of the importance of this sort of community building in the lives of some of their parishioners—what John Bossy has termed the establishment of "a relation of formal amity"—may have made it possible for them to act contrary to the strictures of the hierarchs.[74]

This practice fits well with the emerging picture of other aspects of the co-existence of the confessions in seventeenth-century Wilno. That co-existence was founded on a mixture of confessional discipline and generous amounts of "give." Acceptance of Roman Catholicism was the acknowledged road to advancement, but those who would not take that step found ways to prosper within the limits imposed by religion and estate. People created neighborhoods and networks largely within their confession, but almost everyone had some ties of community across those bounds. The Catholic clergy succeeded in large measure

[73] LVIA 604.19.95, 185r.
[74] Bossy 1984, 197.

in imposing discipline on their flock. One example is to be found in the naming practices used by the faithful. The baptismal registers reveal the expected clustering of Bartłomiejs around the feast of St. Bartholomew (24 August) and of Agnieszkas around that of St. Agnes (21 January). And if you met a Vilnan named Zuzanna or Anastazja, you could bet your house on Glass St. the first was a Lutheran or a Calvininst, the second Uniate or Orthodox. But you might end up homeless. In 1668, for example, out of 835 Catholic babies, three were baptised Anastazja, and one Zuzanna.[75] Seventeenth-century Vilnans were certainly subject to a kind of confessional disciplining, but it was imposed economically and in moderation.

Abbreviations

AVAK = *Akty, izdavaemyje Vilenskoju archeografičeskoju komissieju*, 39 volumes (Wilno, 1865–1915).
BOZ = Biblioteka Ordynacji Zamojskich (Library of the Zamojski Ordination, a part of the Biblioteka Narodowa [Polish National Library], Warsaw)
BUJ, B = Biblioteka Uniwersytetu Jagiellońskiego (Cracow), Berlin collection (manuscripts from the Staatsbibliothek Berlin, Preussischer Kulturbesitz)
GSta PK = Geheimes Staatsarchiv Preussischer Kulturbesitz (Berlin)
LMAB = Lietuvos Mokslų Akademijos Biblioteka (Library of the Lithuanian Academy of Sciences, Vilnius)
LVIA = Lietuvos Valstybės Istorijos Archyvas (Lithuanian State Historical Archive, Vilnius)
RGADA = Rossijskij Gosudarstvennyj Arxiv Drevnich Aktov (Russian State Archive of Old Acts, Moscow)

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[75] LVIA 604.19.95, 216v, 227r; 178v.

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TAVERNS AND INNS IN THE GERMAN COUNTRYSIDE: MALE HONOR AND PUBLIC SPACE

Marc R. Forster

By the late seventeenth century there was at least one tavern in every village in southwest Germany. Taverns and inns of course performed many functions in the countryside. They were centers of sociability, communications nodes, meeting places for business, and stages for local politics, social conflicts, and even rebellion. Not surprisingly, the local courts of the smaller principalities, like the *Hochstift* Speyer and monasteries of Salem and Rot an der Rot, handled a steady flow of court cases involving disputes in and around taverns. Several aspects of these cases stand out. Most obviously, law cases remind us how village taverns, like their counterparts in cities, were theaters where notions of male honor were played out. More indirectly, however, the archives show that taverns tied villages to the outside world, but were even more important for local communications. The place of taverns in local life is the focus of this paper.

I will begin with the story of two men and a tavern…

Hans Schön and Hans Pfalzer

In the 1650s, Hans Schön was the tavern keeper, the *Taffern Wirt*, in the village of Berkheim. Berkheim lies between Biberach and Memmingen in the valley of the Iller, right on the major road that ran between Kempten to the south and Ulm to the north. The village was partly under the jurisdiction of the Premonstratensian Abbey of Rot an der Rot, and partly under that of the Benedictine monks at Ochsenhausen. Schön leased his inn from the monks at Rot, to whom he paid an annual fee and taxes on each measure of wine and beer sold. By all indications, Schön was a man of some substance in Berkheim. The inn also seems to have stayed in the family; in the 1730s and 1740s a Frederick Schön was innkeeper in Berkheim.[1]

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[1] *Hauptstaatsarchiv Stuttgart* (= *HStASt.*) B487/Band 138 (Rot Rechnungen).

For at least a decade Schön appeared regularly at the sessions of the local court presided over by officials from the monastery, almost always in conflict with Hans Pfalzer, the headman, or *Amman* (*Amtmann* in High German), of Berkheim.[2] Schön's appearances at court are not surprising, since innkeepers were frequently witnesses of (and sometimes participants in) the verbal disputes and drunken brawls that loomed large in the work of these *Niedergerichte*. The business of providing drink, food, and lodging was also of interest to the authorities, and they regulated it carefully, keeping a close eye on all innkeepers.

We first encounter Schön and Pfalzer in December 1653, in a dispute over Pfalzer's duty to inspect the innkeeper's wine cellar in his role as wine inspector (*Weinspener*). On this occasion, Schön was fined a small amount for protesting the inspections too vociferously. Schön admitted objecting to the inspections, but claimed he only became abusive when the *Amman* asserted that the wine the innkeeper was selling was of poor quality and that Schön was overcharging his customers. Schön claimed to have been poorly used: "It hurt me most of all that the *Amman* criticized me publicly in front of the people."[3]

A year later, during the post harvest period as well, Pfalzer once again appeared to inspect the inn's cellars, and once again there was trouble. Schön was quoted as saying "he should not have the power to go into his (Schön's) cellar." Furthermore, according to the innkeeper, the *Amman* did not come back up from the cellar until he had tasted not one *Mass* (1/2 a liter) of wine, but rather six. Pfalzer, he claimed, was "now in a state of complete drunkenness (*in voller weiss*)" and, in his drunken state, wanted to set the tax rate. Despite the fact that Schön was in other legal trouble at this court session, the judge did not fine him for this altercation.[4] Did monastic officials know something about the drinking habits of the *Amman* of Berkheim?

Perhaps being wine inspector was not a good job for Pfalzer, for he seemed to enjoy his wine rather more than was a good for him. In early March 1656, Pfalzer was drinking together with Hans Erma, the baker, and both their wives in Schön's tavern. The men's drinking got them into an ugly altercation with their wives. According to the court minutes, "while drinking, the men behaved in an unseemly manner, and

[2] *HStASt.* B488/Band 13 (Rot Protokolle).
[3] *HStASt.* B488/Band 13 (Rot Protokolle), pp. 9r–v.
[4] *HStASt.* B488/Band 13 (Rot Protokolle), pp. 53r.

the women attacked (*überfallen*) both men, one giving the *Amman* some serious blows, the other throwing the beer mug in the baker's face." There were witnesses to this scandal, "foreign people" (*frembden leüthen*), which, as the judges opined, meant "that people from all around would surely be speaking about it." The court ordered Schön to work harder to prevent such altercations, but, rather surprisingly, did not level any fines on the parties.[5]

By May 1656, the court was starting to side with Schön, the innkeeper, against Pfalzer, despite the *Amman*'s status as a local official. On this occasion, Pfalzer and five other men complained in court that their honor had been damaged by the innkeeper's attack on their tobacco smoking. Schön had certainly been intentionally insulting: "*pfui, wie stinken die schelmen* (pfui, how these rogues stink)." He compounded the insult by repeating it the next morning, when he could no longer claim that he was under the influence of his own wine. The court, recognizing that Schön's use of the term *Schelm* was a serious attack on the other men's honor, ordered the innkeeper to apologize. Pfalzer and the other men, although they were the original complainants, were fined for drinking and smoking too much and for staying too late at the inn.[6] Perhaps it was not very safe to throw around complaints in court. Or perhaps the complainants felt that the innkeeper's apology was worth the fine!

By the summer of 1656, the relationship between Pfalzer and Schön had clearly degenerated into a feud. Both appeared in court in August of that year because of a heated exchange of insults that led to a fight, apparently in the inn itself.[7] Schön called Pfalzer an *Aufklauber*, a term that meant that the *Amman* was a person who listened to everything others said and noted them down, usually in negative ways, perhaps even as a kind of tattletale.[8] Pfalzer responded with the standard insult, calling Schön a *Schelm*, which led directly to a physical confrontation, with the innkeeper the aggressor. As the minutes state: "it did not end with this, but the *Amman* called Schön the son of a whore etc. and Schön called

[5] *HStASt.* B486/Band 13, 101r.
[6] *HStASt.* B486/Band 13, pp. 110r–v.
[7] *HStASt.* B486/Band 13, pp. 112v–113r.
[8] Schwäbishes Wörterbuch: Aufklauben: 1. Worte anderer peinlich genau nehmen; alles übelnehmen. 2. Worte anderer aufpassen und sich notieren.

the *Amman* a murderer." Both men were fined and Pfalzer was ordered to stay out of the inn, except "when business took place" there.[9]

Both men next appear separately from each other in the records. In November 1656, Schön was fined for buying "foreign wine" during the annual trip to the *Bodensee*, the *Seefahrt*, and selling it without permission.[10] Pfalzer, drunk, had traded insults with the Ochsenhausen *Amman* of Berkheim, at which point the court assumed that Pfalzer was at fault, noting his long-standing feud with Schön.[11]

Pfalzer's reputation with the court and with his lords at Rot got worse in 1657, when Schön again filed a complaint against the *Amman*:

> He [Pfalzer] was, as always, in the inn, day and night, and *mit Lieb* is not to be gotten out of there even long after he should have gone home. He also insulted him [Schön], begging your leave, [calling him a] dog's etc. [*s.v. hundts etc.*], with the statement that the night watchman did not have the power to throw the *Amman* out of the inn.

Pfalzer then went on to threaten the watchman, and the other guests, with fines or other official acts. The abbot himself intervened in the case, stating that "as long as he [Pfalzer] is *Amman*, he will neglect his domestic affairs [*nur hinder sich hauset*]. Partly for the good of his wife and children, he was to be removed from his office and the abbot advised him "that from now on he should be more moderate in going to the inn and in drinking." [12]

Pfalzer may have reached bottom in June 1658. On Ascension Day he was once again drunk in the inn at Berkheim, where he insulted an official of a neighboring nobleman. The reaction of the court was severe. "This [episode] has convinced everyone, since he has for many years drunk too much and in various inns has spoken too much" that he should be seriously punished. As a result, Pfalzer was removed from the Berkheim *Gericht* (i.e. the local communal government) and was given eight days of bread and water in the tower, presumably at Rot itself.[13] Several days later, a group of local officials, including Schön and the new *Amman* in Berkheim interceded on Pfalzer's behalf, reducing his punishment to one day in the tower, "in consideration of his poor wife

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[9] *HStASt.* B486/Band 13, pp. 114r–v.
[10] *HStASt.* B486/Band 13, p. 122r.
[11] *HStASt.* B486/Band 13, p. 159r.
[12] *HStASt.* B486/Band 13, pp. 160r–v.
[13] *HStASt.* B486/Band 13, pp. 197v–198v.

and children."[14] Still, the former *Amman* had apparently not learned his lesson, or, put differently, the sad story continued, and Pfalzer was fined again in November 1658 for going into a *Wirtshaus*.[15]

What about his old nemesis, the innkeeper, Hans Schön? He was still fined almost every year for selling wine that had not been properly examined, or wine that had been bought improperly.[16] This brought him into conflict with Pfalzer's successor as *Amman* and others in the village, and such conflicts invariably degenerated into verbal clashes. Perhaps Schön's personality was not quite the best for an innkeeper. One neighbor/customer brought Schön to court because the innkeeper had called him an adulterer, "saying openly that he [the neighbor] had cheated not only on his former wife, but also on his current wife." For this outburst, which he claimed in court to regret, Schön was fined and told "in the future he should keep his immature mouth better under control."[17] Schön's lack of discretion, a failing in a business where one learned much about one's neighbors, did not prevent him from carrying on as innkeeper, at least into the 1660s.[18]

The Place of Taverns in Village Life

The story of Hans Schön and Hans Pfalzer opens up many of the key issues related to inns and taverns in the German countryside, issues recognized by all the historians of early modern taverns, such as state regulation and its influence, sociability and conflict, and the construction of gender roles in these settings.[19] The issue of state regulations looms large, and we see Pfalzer, as the local representative of the Prince-Abbot, attempting to enforce regulations governing the price and quality of wine. The role of drinking (and smoking) in sociability and

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[14] *HStASt.* B486/Band 13, p. 200r.
[15] *HStASt.* B486/Band 13, p. 213r.
[16] *HStASt.* B486/Band 13, pp. 178r–v, 213v.
[17] *HStASt.* B486/Band 13, pp. 220v–221r.
[18] *HStASt.* B486/346, Extractus Prot. f. 316.
[19] B. Ann Tlusty, *Bacchus and Civic Order. The Culture of Drink in Early Modern Germany* (Charlottesville and London, 2001); Thomas Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton, 1988); Peter Clark, *The English Alehouse: A Social History, 1200–1830* (London and New York, 1983); Beat Kümin and B. Ann Tlusty, eds. *The World of the Tavern. Public Houses in Early Modern Europe* (Aldershot, 2002); Beat Kümin, "Useful to Have, but Difficult to Govern. Inns and Taverns in Early Modern Bern and Vaud," *Journal of Early Modern History* 3,2 (1999): 153–175.

in conducting business is obvious, as is the central importance of male honor in that sociability. In this context, one could certainly analyze the language of insults and the ritual escalation of conflict between men. There are also important indicators about the place of women in taverns and inns.

It is striking how important taverns and inns were as centers of communication, in the broadest sense. Of course taverns, inns, alehouses, and other similar establishments were categorized together as purveyors of alcoholic beverages, but all these institutions clearly had other functions as well. In the South German lands, large inns or taverns (*Tavernen*), such as the one managed by Hans Schön, were usually leased from the lord and were required to provide beds, stables for horses, and a substantial menu of food for travelers.[20] Travelers, government officials on missions, pilgrims, and merchants and traders of all kinds mingled with local people in such places, trading news of the wider world.

State officials wanted to create a network of inns that would provide for the needs of travelers and merchants and would thus support trade and economic growth. Larger inns did, in fact, serve travelers and provided an important link between the countryside and the wider world. I argue here, however, that inns and taverns were far more important as a locus of local communication, as a place where rumor and stories were shared and where local conflicts and disputes, that is local politics, took place.

Of course taverns provided links to the wider world. The Abbot of Salem issued an extensive *Wirtschaftsordnung* (Taverns' Ordinance) in 1605, which was renewed with only a few changes in 1668. In addition to the clauses regulating the sale of wine (and of course the taxes owed on each glass served), the ordinance emphasizes that innkeepers should provide high quality services to their guests. A full-fledged tavern should serve good food, including meat, fish, vegetables, and white bread. "Foreign" guests should be given no reason to complain about the food; the innkeeper should never be caught unprepared, because "a nobleman could arrive at any time." Innkeepers should not hire inexperienced cooks, even if they were their own wives. The beds should have clean linen and an inn should have proper stalls for horses.[21]

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[20] Fabian Brändle, "Public Houses, Clientelism, and Faith: Strategies of Power in Early Modern Toggenburg," in *The World of the Tavern. Public Houses in Early Modern Europe*, edited by Beat Kümin and B. Ann Tlusty (Aldershot, 2002), p. 86.

[21] Both *Ordnungen* in GLAK 98/3142.

The 1668 Ordinance repeats the earlier concern for travelers, or "foreign guests," but adds a new emphasis on fairness in the treatment of guests. All guests were to be treated well. "Both the rich and the poor should be courteously given and served what their money paid for, and they should not be harmed or cheated" (presumably by serving them bad, doctored, or watered drink). All customers were to be "given their penny's worth" and "the food should always be served, as much as possible, fresh, clean, and well-cooked, and there should be no hurry in the serving or removal of meals, especially not if it is done to increase your own profit." These regulations were aimed at providing fairly high levels of service at the larger taverns, without eliminating their role in providing drinks and meeting places for local people.

Take the inn at the monastery of Salem. It was particularly busy, because high-ranking travelers, monks, students, and priests stopped there to take advantage of the hospitality of the wealthy Cistercians.[22] Innkeepers served such visitors food at the expense of the Abbey, and they kept little chits, or bills, recording who they were and what they ate. Most ate a meal, served with a half a *Mass* (about a half liter) of wine. On August 15, 1701, for example, a priest from Salzburg was given *Mittagessen* and wine, and the next day a priest from Alsace was given the same. A few days later, two "lay sisters" had a meal there, as did a "reformed officer" and a Baron and his wife. The inn at Salem also served local people, especially artisans and farm laborers who worked for the monastery, and the steady flow of visitors must have kept them well informed about developments in the wider world.

"Foreigners" could of course cause trouble, as well as bring trade and news of the wider world. In October 1669, four travelers, two brothers from Switzerland, and two men from near Augsburg, shared a table at the inn in the village of Weildorf, also near Salem. One of the Swiss men began singing religious songs, probably Protestant hymns, which caused the Augsburger to request he stop singing. According to a witness, the Swiss then went on to praise their own country, further asserting that "the Swabians (like the Augsburgers) are a slovenly [*liderliches*] people and (begging your leave), dogs' etc. compared to the Swiss." Not surprisingly, the Swabians called the Swiss out and a brawl ensued, with the deeply insulted Swabians getting the upper hand.[23]

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[22] GLAK 62/19821 Rechnungen 1700–1701.

[23] GLAK 61/13334, Salem Oberamtsprotokolle, p. 8b. *die Schwaben seyen ein liderliches [slovenly, disorderly, lewd etc.] Volckes und (s.v.) hundts etc. gegen den Schweitzer*…

Interactions between travelers and local people occurred regularly in rural taverns, especially as trade increased after the Thirty Years' War, and not only along major trade routes. These exchanges can surely teach us much about the supposed isolation of rural communities and about the nature of communications in the countryside. Such a study may also allow us to better assess whether the state was really the primary force to penetrate villages, and how much other factors—migration, increased trade, rural missionaries, newspapers and other printed materials—changed the character of rural society.

If we return to Hans Schön, the innkeeper in Berkheim, we see that, despite the presence of outsiders, his tavern was above all a center of *local* sociability. In the inn (and at the local church), "specific identities were shaped and community was manifestly formed."[24] The tavern was a place where local people (primarily, but not exclusively, men) told stories about their neighbors, confronted enemies, developed friendships and alliances, and where local politics was conducted.

Innkeepers and their wives clearly occupied a privileged position in this local communications network. Schön knew a lot about his customers (and neighbors), reporting about each of Pfalzer's drinking bouts in court. He drew on his special knowledge when he came into conflict with others, as when he accused a customer of being a serial adulterer. The reaction of the court to this encounter, telling Schön to keep his "immature mouth" shut, seems to indicate that he had forgotten his duty to be careful with the information an innkeeper invariably gathered.

The tavern was a public place, and people's behavior there was quickly reported to a wider audience. The *Oberamtsgericht*, the District Court of the Abbots of Salem, and the *Niedergericht*, the lower court of the Abbey of Rot an der Rot, heard testimony about behavior in inns at practically every session. An example: a widow in Bermatingen witnessed two local officials, the *Amman* and the *Dorfpfleger*, eat and drink such large quantities in the inn there, that they could not pay for it. She apparently repeated this story around the village, causing the *Amman* to call her to the *Rathaus* (town hall) and threaten her verbally.[25] The widow asked the court for protection against this powerful man.

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[24] Michael Frank, "Satan's Servant or Authorities' Agent? Publicans in Eighteenth Century Germany," in *The World of the Tavern. Public Houses in Early Modern Europe*, edited by Beat Kümin and B. Ann Tlusty (Aldershot, 2002), p. 42.

[25] GLAK 61/13337, Salem Oberamtsprotokolle, p. 137.

The innkeeper's wife, the *Wirtin*, was also at the center of village discourse. In 1695, Johanna Silberin, the wife of the innkeeper in Mimmenhausen, took another woman to court for slander. The defendant, Catharina Messmerin, claimed that her insulting outburst against the *Wirtin* was caused by Johanna's spreading of rumors, particularly the story that Catherina had come to the village claiming to be pregnant in an effort to get an unnamed man to marry her. During a confrontation between the two women in court, Catherina burst into tears and denied that she was ever pregnant, saying she was "just a simple maid" who had insulted the innkeeper's wife without thinking. The court warned both women to watch their tongues.[26]

Johanna Silberin was not a person to back down from conflict. On another occasion she got into a verbal and physical confrontation with a neighbor woman about the right to take hay from a field, which Johanna claimed was her property. On this occasion, her opponent called her "a soldier's whore," reflecting the common suspicion that a woman working in an inn was probably sexually promiscuous. [27] There were in fact soldiers stationed near Mimmenhausen in 1695 and they certainly frequented local inns. In November of that year, four women were charged in court for "spending the whole night in the inn at Bermatingen with soldiers, where they engaged in all sorts of *Üppigkeit* (outlandish, or lavish, activity?)."[28]

Returning again to Berkheim, we can see that the inn there served as a nodal point for the spread of information and rumor. The court's decision not to punish Pfalzer and his friend for their unseemly conflict with their wives at the inn seems to indicate that the parties had already been sufficiently humiliated by the fact that the story had been spread widely in the region. Conflicts that involved the trading of insults in and around the tavern resulted in court cases because the insults were made in public, in front of witnesses. If the inn functioned as a location where social relations were contested, the local court was one place where such breaches of honor could be repaired.

As one plaintiff put it, he wanted "the insult taken away by the lordship (*von Herrschaftswegen*), so that the insult is not a detriment to either his lordship or to his good name."[29] The courts, as representatives of

[26] GLAK 61/13337, Salem Oberamtsprotokolle, p. 169
[27] GLAK 61/13337, Salem Oberamtsprotokolle, pp. 245–250.
[28] GLAK 61/13337, Salem Oberamtsprotokolle, pp. 130–132.
[29] GLAK 61/13337, Salem Oberamtsprotokolle, pp. 167–168.

these lords, took this role seriously, not just fining the guilty parties, but also ordering each party to declare that the other "an honorable man" and routinely, even ritually, ordering them to live in "peace and calm" (*frid und ruhe*). Given the violence that invariably accompanied public insults to honor, courts treated such disputes as issues of public tranquility and order.

It is obvious to us, as it was to people in the seventeenth and eighteenth centuries, that the tavern was an important—perhaps the most important—public space in a village. Furthermore, unlike the church, which became an increasingly somber and controlled space after 1600, the south German tavern remained a fluid public space, where people of different status mingled.[30] Above all, inns and taverns of all sizes functioned as both public theaters of personal honor, and also as places where local issues and conflicts were debated and discussed. When these discussions took place in the inn, where alcohol loosened tongues and heightened the sensitivity to insult, personal honor—male and female—was challenged and exposed to public view. This volatile mix of alcohol, local conflicts, and a strong sense of honor deeply engaged a legal system that sought, above all, to restore peace and honor to all parties. By examining these conflicts we can learn much about social and political relations in German villages.

[30] Here, I agree with Kümin: "Useful to Have, but Difficult to Govern. Inns and Taverns in Early Modern Bern and Vaud," *Journal of Early Modern History* 3,2 (1999): 153–175.

THINKING WITH THE THURGAU: POLITICAL PAMPHLETS FROM THE *VILLMERGERKRIEG* AND THE CONSTRUCTION OF BICONFESSIONAL POLITICS IN SWITZERLAND AND EUROPE

Randolph C. Head

From the perspective of war-ravaged Germany after the Thirty Years' War, the Swiss Confederation seemed to be a haven of peace and prosperity.[1] In a famous passage from his *Simplicissimus*, Grimmelshausen's hero marveled at:

> how the people did trade and traffic in peace, how the stalls were full of cattle and the farmyards crowded with fowls, geese and ducks, the roads were used in safety by travelers, and the inns were full of people making merry.[2]

Exactly such inns also provided the setting for conversations between an imagined Catholic peasant and Protestant innkeeper that appeared in a series of dialect pamphlets that this essay will discuss. Nevertheless, not all was well. When Simplicissimus visited the Swiss abbey of Einsiedeln, a possessed man immediately brought up the bitter issue that gnawed not only at the German Empire, but also at the Confederation: "indeed, what would ye have of him? for he is of a heretic mind and belongeth to us: yea, his parents were more of Anabaptists than

[1] Early material this paper was included in a talk to the Standing Seminar on German History, Georgetown University in February 2004, and was further developed in a paper at the Sixteenth Century Studies Conference in October, 2004. My research has been supported by the Academic Senate of the University of California, Riverside; by a Ford Foundation grant on "Cloning Cultures" to the Center for Ideas and Society at the University of California, Riverside; and by a fellowship to the Institute for Advanced Study, Princeton. Special thanks to the Kantonsbibliothek Thurgau, Frauenfeld, for obtaining materials, and to the Zentralbibliothek Zürich and the Library of Congress European Reading Room. Thanks to colleagues for comments and suggestions: William Connell, Lloyd De Moot, Glenn Ehrstein, Bruce Gordon, Daniela Hacke, Susan Karant-Nunn, Ulrich Pfister, Max Reinhardt and Regula Schmid.

[2] Johann Grimmeslhausen, *Simplicissimus*, tr. S. Goodrich (New York: Hippocrene Books, 1989), p. 305.

Calvinists."[3] Behind the prosperity and civility observable in the Swiss countryside, confessional and social tensions remained high.

The initial division that had separated Zwinglians from Catholics during the early Reformation in the Swiss lands resulted in two peace treaties in 1529 and 1531, which were soon referred to as the first and second *Landfrieden.* Among the first settlements anywhere in Europe to concede continued confessional division within a single political system, the second *Landfrieden* provided the foundation for complex and evolving ways to regulate confessional difference, lasting into the eighteenth century.[4] With the passage of time and with the emergence of stronger confessional identities across the Confederation and across Europe, however, the gulf between the Catholics and Reformed Protestants grew harder to manage: after the Catholic Borromean League of 1586 appeared to put confessional priorities above the traditional cohesion of the Confederation, both political gridlock as well as dangerous outbursts of confessional violence became more common in Switzerland. By the 1630s, actual resolution of even the most minor confessional dispute seemed nearly impossible, especially after a local disagreement over chantry endowments and matrimonial jurisdiction in the Rheintal bailiwicks widened into a bitter legal struggle, lasting from 1627 to 1632, over the actual mechanisms for solving such conflicts.[5]

Once the war in the Empire and across Europe ended in 1648, moreover, the fear of outside intervention that had helped the Swiss to hang together receded. The result was two major outbreaks of violence during the 1650s. In the first, the Swiss Peasants' War of 1653, peasant subjects inside the cantons of Bern and Lucerne revolted against

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[3] Grimmelshausen, p. 307.

[4] The evolution and institutionalization of the *Landfrieden* is discussed with particular reference to the Thurgau, in Randolph Head, "Fragmented Dominion, Fragmented Churches: The Institutionalization of the *Landfrieden* in the Thurgau, 1531–1610," *Archive for Reformation History* 96 (2005), pp. 117–144, with additional literature.

[5] This so-called "Kollatur und Matrimonialstreit" ran from 1627 to 1632 and set the stage for the First Villmerkerkrieg in 1656. See *Amtliche Sammlung der ältern Eidgenössischen Abschiede* (Various publishers, 1856–1886) [hereafter cited as EA] V.2.2 Art. 218, pp. 1541–1543 (7 Sept 1632 ns) for the actual text; the associated documentation is extensive in EA V.2.1 and EA V.2.2. The affair has not been studied systematically; the standard reference work, *Handbuch der Schweizer Geschichte* (Zurich: Berichthaus, 1980), for example, makes no mention of it at all. An examination of federal recesses from the years afterward, however, suggests that the Catholic cantons, which had given way in formal terms, in fact responded by simply refusing to adjudicate concrete disputes according to the newly agreed-on mechanisms. This stubborness also exemplified the attitude of Schwyz in 1655, during the run up to the war of 1656.

corrupt currency manipulation on the part of their urban lords, calling for a "peasant parliament" to reform the fundamental structure of the Confederation along the traditional lines represented by William Tell.[6] Such a challenge from below served to unite the oligarchies in the urban cantons, Catholic and Reformed, who cooperated to suppress their rebellious subjects. Only two years later, however, the discovery of a group of crypto-Protestants in the Catholic canton of Schwyz provoked a second outbreak, this time dividing the Catholic and Reformed cantons and leading to a short war known as the First War of Villmergen. Confessional division, particularly when entwined with the political ambitions of the urban Reformed cantons and their desire to escape what they saw as dishonorable terms in the 1531 *Landfrieden*, was enough to trigger an open military conflict. By this time, though, other voices objected to such a war in the name of religion. It is these voices, and the ways they chose to present their understanding of the proper relationship between spiritual and political priorities, that this paper will explore in detail.

An important dimension of the critique against the war emerged in a series of pamphlets published in 1655 and 1656, purportedly in Thurgau dialect and portraying friendly dialogues between a Catholic peasant, Jockle, and a Protestant innkeeper, Barthle. Although the pamphlets had different authors and took opposing views about the events leading up to the conflict, they shared a common view about what lay behind the rush to violence, as seen in the following two quotations. The first comes from a pamphlet supporting Schwyz's position:

> Jockle: The catholic cantons also wish to leave you content in your faith and with your privileges. Dear God, haven't we been able to live and behave peacefully and unified for one hundred twenty-four years, why not longer?[7]

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[6] The uprising is exhaustively analyzed in Andreas Suter, *Der Schweizerische Bauernkrieg von 1653: Politische Sozialgeschichte—Sozialgeschichte eines politischen Ereignisses* (Tübingen: Bibliotheca Academica Verlag, 1997).

[7] This paper concentrates on four pamphlets, copies of which are located in the Kantonsbibliothek Thurgau. They will be cited by their signatures there. In order of their publication they are: L 1402: *Turgäwische Kunckelstuben Oder Gantz Vertrüwlich und Nochberlich Gespräch Zwischen Jockle und Barthel/einem Buren und Würth im Thurgöw* (n.p., 1655); L 1402a: *Turgöuwische Kunckelstuben/oder Gantz vertrüwly unnd nochberly Gspräch zwischen Jockle und Barthel/einem Buwren unnd Würth im Turgöuw* (n.p., 1655); L 1404: *Turgöwischer Bärtelin Feyrtag unnd newe Jahrswünschung Oder Freundtlich vertrewlich Gespräch von der Unruhe in der Eydgnoßschafft zwischen zweyen Turgöwischen Underthanen* (n.p., 1656); and finally L 1403: *Turgöwischer Bärtelin Feyrtag und freündtlich Gespräch von dem Zuestand jetzmhalen in der*

Fig. 1. The Titlepage of *Turgówischer Bártelin Feyrtag unnd newe Jahrswúnschung* (used with permission of the Kantonsbibliothek Thurgau).

The second comes from a response to the first pamphlet, this time published in Zurich and strongly defending its actions before the 1656 war:

> Barthle: Our lords from Zurich are of the opinion that everyone should remain peacefully in his religion and privileges, and that one should not impose another religion on anyone in his land.[8]

Each party thus used these texts to present itself as tolerant of religious difference, rather than motivated by confessional zeal.[9] Such expressions of a willingness to live peacefully next to communities differing in religious faith became more common in the German lands after the traumas of the Thirty Years' War, but they remained a minority position that faced major rhetorical as well as practical obstacles. A century of religious wrangling and confessional consolidation in the Holy Roman Empire had done little to provide effective ways of talking about religious compromise and coexistence. The discourses of toleration that did circulate in the early seventeenth century—irenic calls for patience and concord, or *politique* calls for princely prudence—had indeed evolved, but resistance to serious discussion of accommodation among the confessions remained strong.[10]

Aydgnoschafft Zwischen zwayen Turgöwischen Biderlüthen (n.p., 1657). The citation here is from L1602, f. A3^{v}: Die Catholisch Orth . . . wölln Sy üch auch by üwerm Glouben und Rechtsamme zefriden lahn. Trüer Gott/hat man nu by Hundert vier und zwäintzig Johren/also Fridly und Eynig leben/handlen und wandlen können/warumb nit auch länger?"

[8] L1602a, p. 8: . . . üsere Herren von Zürich . . . mänung ist jedermann by syner Relion und Fryheit rühwig blyben zelassen/und niemand in synem Land kein andre Relion zuzemuthen."

[9] Ethan Shagan has recently pointed out that such calls for "moderation" were adopted by all parties during the Reformation era: many voices, from traditional Catholics to Thomas Müntzer, represented their own positions as moderate and reasonable, compared to the excesses of their various opponents. "Can Historians End the Reformation?" *Archive for Reformation History* 97 (2006), pp. 298–306. We must therefore remember the context of such claims before assuming that calls for moderation actually represented a willingness to accept religious dissent. My point in this article is a different one. The statements found in these pamphlets explicitly did accept the continued existence of the rival faith. Moreover, I argue that the authors, while clearly angling for rhetorical advantage on the basis of their "moderation," also were seeking models for practical co-existence, in contrast to Shagan's "moderates" who felt their stance justified the dominance of their own position.

[10] Recent work on early German discourses of toleration discussed in Martin Mulsow's work, e.g. *Die drei Ringe: Toleranz und clandestine Gelehrsamkeit bei Mathurin Veyssiere La Croze (1661–1739)*, (Tübingen: Max Niemeyer Verlag, 2001) and *Moderne aus dem Untergrund: radikale Frühaufklärung in Deutschland 1680–1720* (Hamburg: Meiner, 2002).

From Landfrieden to Civil War after 1648

The First War of Villmergen reflected long-standing tensions in the Confederation, but it broke out over a specific trigger, the so-called "Arth affair" of 1655.[11] The cantons of Schwyz and Zurich came to loggerheads after several families of religious dissidents in the Schwyzer village of Arth faced expropriation or execution because of their heretical views.[12] The dissidents had maintained contacts with Zurich, which subsequently sheltered those who evaded the Schwyzer authorities and supported their demands for return of their property. The resulting wrangle—with Zurich arguing for "free Confederates'" right of movement as well as for Confederate mediation, whereas Schwyz insisted that it was an internal affair in which some perjurers had been punished—spiraled into crisis when Schwyz's representatives departed the Confederal Diet in a way that suggested they disrespected Zurich's calls to law.

The entire affair played into the hands of activist elements in both Zurich and Bern. Despite their recent cooperation across confessional lines to suppress their rebellious peasants, the leaders of the Reformed cantons, most particularly Zurich, still resented the 1531 *Landfrieden*.[13] The Reformed cantons were convinced, moreover, that changes in military organization and population gave them a decided advantage against their Catholic confederates. On January 5, 1656, therefore, Zurich occupied the Thurgau and launched a brief and unsuccessful

[11] Swiss historiography has traditionally operated by dividing political events into "Händel," relatively compact "affairs" or "cases" that the various parties in the Confederation responded to in different ways. For an overview of this period, see Peter Stadler, "Das Zeitalter der Gegenreformation," *Handbuch der Schweizer Geschichte* I: 573–672, esp. 658–663.

[12] At the time and ever since, one issue has been whether the Arth dissidents held primarily Reformed Calvinist religious views, or whether they in fact represented an underground Anabaptist tradition whose members only turned to Calvinism when Zurich offered them a lifeline against the Schwyzer authorities. The standard work is Alois Rey, "Geschichte des Protestantismus in Arth bis zum Prozeß von 1655," *Mitteilungen des Historischen Vereins des Kantons Schwyz* 44 (Einsiedeln, 1944). See most recently Mark Furner, "The 'Nicodemites' in Arth, Canton Schwyz, 1530–1698," MA Thesis, University of Warwick, 1994.

[13] In fact, the major revision of the principles by which the Swiss ruled over subject territories of mixed confession that had been forced through by Zurich in 1632, against bitter resistance from the Catholic cantons, had actually made tensions worse. The new parity-based regulations were stonewalled owing to Catholic delaying tactics and intransigence, leading to increased hostility and resentment on both sides.

campaign to change the Confederation's balance of power.[14] Swift action by Lucerne blocked a Bernese army's advance eastward, however, while the poorly organized Zurich forces stalled during the siege of Rapperswil before enduring a humiliating defeat at the hands of Schwyz's forces. Both sides quickly retreated, and signed a peace after thirty-eight days that reconfirmed the existing *Landfrieden*. An arbitrational panel from the "neutral" cantons (two Catholic, two Protestant) took up the disputes at hand, although it too, predictably, deadlocked.[15]

The Rhetoric of Coexistence in 1656

It is in this context that I will examine the series of four dialect pamphlets on the war that appeared between 1655 and 1657, as well as another pamphlet analyzing the Swiss conflict, now attributed to Georg Phillip Harsdörffer, that appeared in the Empire in 1656.[16] The Swiss pamphlets consisted of dialogues set in the biconfessional Thurgau and colored by Thurgau dialect, though linguistic analysis suggests that their authors in fact came from Schwyz and Zurich as well as from the Thurgau itself. Their analysis of the confessional situation before and after the war shared the viewpoint—seen above—that it was not religious division itself, but rather misplaced zeal over religion that most

[14] A succinct and sober analysis in Frieda Gallati, "Die Neutralität der ostschweizerischen Gebiete im ersten Villmergerkrieg, 1655–56," *Zeitschrift für Schweizerische Geschichte* 24, 2 (1944), pp. 161–192. Gallati documents the Zurich magistrates' feeling that they enjoyed a decisive advantage in military matters.

[15] The "Urteilspruch" of the Protestant mediators, however, contains strikingly modern-sounding calls for peaceful religious coexistence on the basis of individual choice to follow one's conscience. See *Urthel-Spruch der Herren Sätz- und Schid-Richtern auß beyden loblichen Evangelischen Orten der Eidgnoschafft/Basel und Appenzell.*...(n.p., 1657), Zentralbibliothek Zürich [ZBZ] Z XVIII 169.20.

[16] *Parnassi Trutina, Oder Relation Was über den in der Eidgenossenschafft jüngst geführten Krieg/und bald darauff gefolgten Frieden in Parnasso für Discurs und Gedancken geschöpfft/Was auch darüber An das Teutsche H. Römische Reich deßen Staat und gemeinen Nutzen zum besten von Apolline für eine Absendung und instruction resolvirt worden* ("Parnassopoli", 1656). I rely on the copy located at ZBZ Z XVIII.169.30a. A variant is held at the Herzog August Bibliothek in Wolfenbüttel: *Parnassi Trutina Et in novos animorum motus Censura. Oder Relation Was über den in der Eydgenossenschafft jüngstgeführten Krieg/vnd bald darauff gefolgten Frieden in Parnasso für Discurs vnd Gedancken Geschöpfft/Was auch daruber An das Teutsche H. Römische Reich dessen Staat vnd gemeinen Nutzen zum besten von Apolline für eine Absendung vnd Instruction resolviert*...Signature M: Gq 206 (6), with an attribution to Georg Phillip Harsdörffer. As Harsdörffer scholar Max Reinhardt comments, however (private communication), numerous unreliable Harsdörffer attributions of anonymous material remain in circulation.

threatened the Swiss Confederation. The German pamphlet, in turn, used features of the Swiss war, particularly its short duration and rapid resolution, to craft an admonition to the German Reichstag to follow a similar strategy of religious accommodation accompanied by respect for traditional privileges and liberties.

The four Swiss pamphlets form an explicit sequence, with later ones containing specific references to their predecessors. The first took a pro-Catholic stance, and was most likely written in Schywz (the most aggressive of the Catholic cantons) and published in Lucerne.[17] Entitled *Thurgau Weaving Room, or, a very trusting and neighborly conversation between Jockle and Barthle, a peasant and an innkeeper in the Thurgau*, it appeared in November or December of 1655, just before the war broke out in January 1656. The second pamphlet in the series carried an identical title[18] and referred to the same events, but was actually a refutation aimed at defusing many of the points made in the first pamphlet. Linguistic clues unmistakably identify its author as coming from Zurich. The last two pamphlets were different, though they continued the sequence by containing references to the earlier texts. Their author, who from his dialect actually came from the Thurgau, was Catholic, and probably had them published in Constance. The third appeared just after the war started in January 1656, and the fourth a year later. Both were entitled *A Thurgau shearers' holiday*, and their tone was both more humorous and more biting. Most notably, they included sharp social criticism of Swiss and other lords.

Both the content and the rhetorical strategies these pamphlets employed are noteworthy. Surprisingly, all four pamphlets purported to convey dialogues carried out in Thurgau dialect rather than in standard south German forms of the language. The dialect features in these four texts are inconsistent and unevenly distributed throughout the texts, however, especially in the first two. In the introductions that frame the actual arguments, dialectic flourishes are abundant, but the substantive discussion lapses largely into the standard Alemannic chancery German of the period. Dialect texts were extremely rare in Switzerland at this time, leading one to wonder what their use here reveals about the

[17] All four are analyzed linguistically in Hans Trümpy, *Schweizerdeutsche Sprache und Literatur im 17. und 18. Jahrhundert* (Basel 1955), pp. 181–185, upon whose linguistic conclusions I rely.

[18] (Except for minor orthographical differences)

intended audience and effect of these texts.[19] Since both parties (Zurich and Schwyz) also published formal manifestos in standard German at the same time, it seems likely that the authors of these pamphlets aimed at an audience beyond the legally and politically informed elite. The artifice of putting the dialogue in Thurgau dialect, however, did not mean that the pamphlets targeted only the Thurgau itself. Rather, the biconfessional Thurgau provided an apt *venue* for discussions about how religious peace should be kept, and about who had violated it, for an audience across the entire Swiss Confederation.

Along with dialect flourishes, moreover, all four pamphlets contained openly populist sentiments, further suggesting that they sought a broader audience. In the political culture of the seventeenth-century Confederacy, appeals to the virtue of the common man and attacks on aristocratic behavior remained potent, as the events of the 1653 Peasants' War had shown. Thus, the Zurich author of the second pamphlet could score an effective point by claiming that Schwyz had violated the "traditional liberty of movement" (*Zugrecht*) of the Protestants it had prosecuted in 1655.[20] The device of portraying a dialog between Jockle, a Catholic peasant, and Barthle, a Reformed innkeeper, who from time to time talked about pressing affairs over a friendly drink, supported the popular tone. The trope of the "wise peasant" was an old one, which the author of the initial pamphlet seized upon in defending a pro-Catholic view of the impending war. The author of the third and fourth pamphlets then turned it to great advantage in his sharp criticisms of Swiss lordship.[21] Further rhetorical devices, including allegedly secret information conveyed from one speaker to his partner, exaggerated recognitions of the force of the other speaker's arguments, and outright humor figure in the pamphlets as well.

Harsdörffer's German pamphlet was set in much more elevated precincts, the first half being set in Parnassus, the second at the Reichstag.

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[19] An additional text about the Villmergerkrieg that is not discussed here—a satire on Zurich's ambitions and its abuse of its subjects in the Thurgau to gain them—represents a true dialect work: *Das ernstliche Gespräch von dem Madleni, Würtin ußm Zürribiet zue Andelfingen Au so eim Catholischen Herr Landrichter ussem Oberä Turgi. Handlet fo ires Mas Todt/und wies im Chrieg for Grapperschwyl hergangen.* (ZBZ PA 1520; see Trumpy, 185 for editions). I rely on ZBZ BRO 5239: *Ein nüw Gspräch zwischen einem Catholischen Land-Richter uß dem Obren Turgöuw/und einer Wirttene uß dem Zürcher Gebiet zu Andelfingen Madleni genannt.* None have either date nor location of publication, nor does the text develop any coherent political arguments.

[20] E.g L1402a, p. 5.

[21] Trümpy, 181, notes the connection to Reformation pamphlet traditions.

As an example of high Baroque literary prose, the Harsdörffer pamphlet employed quite different language than the faux-rustic Thurgau pamphlets that are the main subject, here. The guiding conceit is that the inhabitants of Parnassus, at first shocked that the Swiss had broken their century-long religious peace and fallen into strife, were even more amazed that the resulting war had ended so quickly. Apollo, however, "calculating that noteworthy secrets might lie hidden behind this fact," orders the Parnassian council to investigate the affair.[22]

The resulting description of Switzerland echoed Lipsian and republican themes, accented with occasional Latin epigrams and quotations. It shared with the Thurgau pamphlets a revulsion against religious violence: a long war would have brought the Swiss no benefit at all, but would rather, to the scandal of their descendants, have brought them:

> …the collapse of their liberty and the yoke of servitude. And so it was proposed in Parnassus, that by furthering true peace against the evil into which many wide lands had fallen, all danger had been avoided, liberty had been reinforced, posterity had been bound to gratitude, and a great love for their Fatherland had been shown in the suppression of all religious and other passions—and, simultaneously, others had been given a praiseworthy example that they might follow.[23]

A strong hortatory tone characterizes the entire text, combined with an understandable desire to avoid either religious war or servitude.

Arguing for Coexistence

The Swiss pamphlets we are discussing conveyed a similar message: Catholics and Protestants could and should live in peace, in the Thurgau and in the Confederation as a whole. In doing so, these pamphlets set in the Thurgau reveal how deeply the compromises embodied in the 1531 *Landfrieden* had come to constrain confessional options in Switzerland. Although all these pamphlets continued to accept the transcendental importance of religious truth, (few signs of nascent secularism, here!), they argued that secular authorities were obliged to be cautious and forbearing in dealing with the reality of confessional difference.

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[22] *Parnassi Trutina*, p. 3.
[23] *Parnassi Trutina*, p. 11.

Specifically, all four pamphlets rejected all attempts to "hereticize" the other party. In the first pro-Catholic pamphlet, for example, the Protestant Barthle raised the issue explicitly:

> Barthle: Holla, neighbor Jockle: are you implying then that we have a faith that is criminal, and that should be pursued in blood and punished? Oh, that would call forth God's mercy: Don't we believe in God just as you do?
>
> Jockle: You should not jump to the conclusion that your faith is criminal: the dissidents are being punished not merely because of their dissidence [*Abfall*], but rather because of their perjury…[24]

Jockle went on to say that "[the Catholics] want to leave you in peace with your religion and rights"—this in defense of the *Catholic* party's position. The second, pro-Zurich pamphlet in turn claimed that Zurich had no plans to force the toleration of Protestantism in Schwyz.[25] As the conversation continued through the four pamphlets, this point of view continued to evolve, until the author of the fourth pamphlet could write:

> Barthle: But you should not hereticize us [*verkätzern*], it is forbidden for one party as for the other.
>
> Jockle: The *Landvogt* will know well enough how to find the man who does, and let's leave it at that, and be good friends, neighbors and in-laws, not getting involved in any wars.[26]

Readers from outside the Thurgau would hardly be going astray if they read this admonition as directed not only at the peasantry there, but at the quarreling magistrates who had led Schwyz and Zurich to open warfare.[27]

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[24] L 1402, A 2^{v}. "B: Holla/Nochber Jockel/söllen dann wir ein söllen Glouben han/der Malfitzisch/und mit Blut solle verfolgt und abgstrofft werden? Ey, das müßt wol Gott erbarmen: Glouben wir nit eben so wol an Gott als ihr? J: Du must drumb nit gly mänen/üwr Glouben sey Malfitzisch: man strofft die Abgfallne nit alleinig umb den Abfall/sonder wegen jhrs Mäneydts…"

[25] As quoted at the opening of this paper: L 1402, A iii^{v} and L 1402a, p. 8.

[26] L 1403 [A 4^{r}]: "B: Ihr aber sond üs och nit verkätzern/es ist einem Thayl so wol als dem andern verbotten. J: Wär das thuet/den weyßt der Landvogt woll zue finden/wür wöllen es darby sinn und bliben loon/und guet Freündt/Nachbarn/und Gvattermänner sinn/uns in keinen Krieg nützid einloon…"

[27] The leadership in Zurich experienced a change of generation in the 1650s that may have contributed to an internal debate about how to handle the Arth affair. See Otto Sigg, "Das 17. Jahrhundert," in *Geschichte des Kantons Zürich* (Zurich: Werd Verlag, 1996), II: 345–46.

Correspondingly, each of the pamphlets proposed that the causes of the conflict and of the misery it had bought were not religious error itself, as one might have expected in a confessionally charged atmosphere, but rather the excessive and inappropriate zeal of one party. In the pro-Catholic version from Schwyz, Jockle lays out some terms from the 1531 *Landfrieden* and then proclaims:

> Jockle: But the lords in Zurich have always harbored mistrust against us Catholics, otherwise they would never had a reason to fortify and barricade their city as they have.[28]

The pro-Zurich response, in turn, emphasized the Catholic cantons' recent renewal of the explicitly confessional Borromean League of 1586. Barthle expressed great anger at the confessional policies of Schwyz:

> Barthle: Isn't it serious, that beyond the great unhappiness, mistrust and bitterness that they [scl. the authorities in Schwyz] caused in all the cantons through such merciless execution of honorable innocent people, simply on account of their religion, that they also can say openly, that he who leaves their religion to join the Evangelicals is *malefitzisch*, (that is, in good German, fit for the hangman)? And even if they want to be clever, and say that they swear an oath to their religion that makes every convert a perjurer, it still comes down to one thing: namely, that our Evangelical religion is so hated among them that they have to forswear it…[29]

In contrast, the Thurgau Catholic author of the last two pamphlets took a different tack: for him, not religious zeal but Zurich's political ambitions were the problem:

> Jockle: Ey, the Zurichers are going to send us a *Landvogt* soon, even though according to the rotation would not pertain to them for over two years.[30]

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[28] L 1402, [A iiii^{r}]: "Jockle: Aber das Mißtruen gegen üß Catholische/ist nemes den Herrn von Zürch je und allweg im Magen gelegen/hetten sosten niemoln ursach ghan/Ihre Statt also zebevesten und ze verschanzen."

[29] L 1602a, p. 5. " Barthel: Ist das nit vil/daß sy nebet dem grossen unwillen/mißtrouwen und verbitterung/so sy aller orten erweckt/mit so unbarmhertziger hinrichtung erlicher unschuldiger lüthen/*allein von des gloubens wegen*/ no dörffend offently reden/wär von jrer Religon/uß jnen zu den Evangelischen trätte/der seye maalefitzisch/das ist uff gut tütsch hänckermässig/und wiewol sie es verklügeln wend/daß sy zur Relion ein Eyd schwörind/und wänn sy davon abtrettind/meyneyd werdind/kompt es doch uff ein ding/daß namly üsere Evanglische Relion so verhaßt by jnen ist/daß sy dieselb verschwören münd…"

[30] The chief magistrate in the Thurgau was named in rotation by the seven cantons that ruled the territory: Lucern, Uri, Schwyz, Unterwalden, Zug, Zurich and Glarus.

> Barthle: We hear for certain that someone has already been chosen in Zurich to be the *Landvogt* in Schwyz.
>
> J: I'm happy to leave him that honor, and wish him as much luck in his bathtub as the *Landvogt* Landenberg experienced in Unterwalden.[31]

The final line evokes the William Tell myth, in which the evil bailiff Landenberg was murdered in his bath by the original Swiss rebels of the early fourteenth century.

The last two pamphlets in the series thus differ from the propagandistic first pair by adding a powerful social critique of the ruling Swiss cantons.[32] The author's key conviction was that every time lords began fighting over principles, the common people suffered. Thus, Jockle asks:

> Jockle: And who will pay for the meals of such expensive guests [the foreign allies of both parties], even if they just come to negotiate and not to fight? Ey, ey, they learned that lesson in the Empire: after the war had lasted 30 years, the lords stayed lords and the poor subjects had to pay for it.[33]

The author proceeded to make some radical suggestions. In addition to evoking the William Tell tradition, he argued that the Thurgauers should pay off the nominal mortgage (*Pfandsumme*) that legally justified

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Of these, only Zurich and one half of Glarus were Reformed, meaning that the *Landvogt* was usually a Catholic.

[31] L 1404, [A 3 v]: "J: Ey die von Züri werden üs bald einen Landvogt schicken/ob es glich woll der Ornung noch erst uber mer als zwey jhar an di chämme. B: Man saat für gewüss/es sy schon einer zue Züri erwöltt/der solle Landvogt zue Swytz werden. J: Ich gunne jhme die Ehr woll/und wünsche im Gluock ins Baad wie dem Landvogt Landenberg zu Underwalden." This from the pamphlet published after Zurich had occupied the Thurgau but before the battles that ended the war. The canton of Zug provided the Landvogt in 1656; he was arrested by the Zurich forces. Jockle's reference to the Landvogt Landenberg is an explicit evocation of the William Tell mythos, and thus effectively revolutionary in its implications, especially only three years after the Swiss Peasants' War had drawn upon the tradition of William Tell in opposing the magistrates' oppression.

[32] Trümpy, 184–85, both identifies the author as a Thurgauer as well as establishing that the same author wrote the third and the fourth pamphlets.

[33] L 1404, [A 4^{v}]: "Wär vermag aber so costlichen Gästen das Maahl zuezhalen/wänn sy nun zum thädingen/und nit zum Kriegen chemmen? Ey ey/man hotts im Rych woll erfahren: nach dem der Krieg 30. Johr gewehrtt/synn die Herrn Herrn bliben/die armen Unterthonen händs zhalt." Cf also [A 3^{r}]: "Ich fürcht es werd üs Turgewern wie den Swaben goon. Wann die Herrn lang kriegt händ/den machen sie Frid/aber den armen Puren gitt niemandt nüt/daß sie ihre verbrendte Hüser buwen chöenden . . . Es gewinn es wär es woll/so sindt und bleiben wür Turgewer Underthonen."

Swiss control of the county, thus returning it to Imperial control.[34] In addition, the author used Jockle's and Barthle's arguments to develop a veritable political theory, characterizing local sovereignty over religious questions as the second-best, but realistic solution in the absence of a single world-sovereign:

> Jockle: If a sovereign (*Oberkeit*) wanted to influence a neighboring sovereign in such cases, where would it lead? There would have to be just one sovereign in the world (which would be the best, since everyone would know what he had to do). But through the providence and fate of God, sovereignties are many, and each does what it can answer to God…
>
> Barthle: The Gospel must take its course.
>
> Jockle: One must even its path with peace and love—not *pistolice* (with the pistol, musket and war hammer), but *Apostolice*, in accordance with sealed agreements and without wrangling.[35]

Jockle, the "wise peasant" figure, thus accepted Barthle's assertion of the Gospel's centrality, but only *within* the framework provided by "sealed agreements"—that is, the *Landfrieden* along with older agreements among the Swiss, such as the *Stanser Verkommnis* of 1481.[36]

In consequence, the pamphlets' authors all put explicit praise of the 1531 *Landfrieden* into the mouths of both Jockle and Barthle, though in slightly different ways. For example, different pamphlets seemed to assume quite different degrees of knowledge of the *Landfrieden*'s provisions. In the first pamphlet, after Barthle admitted to only general knowledge about the war and treaty of 1531, Jockle conspiratorially "revealed" that Zurich had signed a treaty that described the old faith as "true, undoubted and Christian." Jockle revealed this only after noting: "At your request, but not at my own risk (I think the Lord *Landvogt* might pursue me with a fine), I will only tell you a little that I heard from my priest and that serves our conversation now."[37] This rhetorical

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[34] L 1403, A 3[r].

[35] L 1403, A 3[r].

[36] The idea that the Swiss might divide their common subject territories by confession had been circulated before by the Catholics during the stressful negotiations of 1632. See EA V.2.2, pp. 1535–37, art. 207 [= V.2.1 Art 574, p. 662], Dec. 1631. See also Frieda Gallati, *Die Eidgenossenschaft und der Kaiserhof zur Zeit Ferdinands II. und Ferdinands III. 1619–1657. Geschichte der formellen Lostrennung der Schweiz vom Deutschen Reich im Westfälischen Frieden* (Zurich: Gebr. Leeman, 1932), p. 361. Likewise, the idea of letting the Empire redeem the pledges that secured Swiss possession of the Thurgau (technically, of the Landgericht, but not the Landschaft, as Gallati points out), was floated briefly in the negotiations after the war. Gallati, "Die Neutralität", p. 175.

[37] L 1402, Aiii[r].

tactic sought to heighten the impact of the following quotations on the pamphlet's readers. By contrast, the later pamphlets assumed that the text of the *Landfrieden* was well known, in once case even suggesting that the local pastor could resolve his doubts by "spending half a *Batzen* and buying the printed *Landfrieden.*"[38]

Beyond the surprisingly accommodating conclusions urged in all four of these pamphlets, their very structure embodied the kind of coexistence that had developed under the Swiss *Landfrieden* regime. Aimed at audiences across German Switzerland, the texts depict two protagonists who were commoners from the Thurgau, drinking partners and friends. Each argued moderately, and directed his sharpest criticism at the immoderation he attributed to the other party outside the Thurgau—that is, to Schwyz or Zurich respectively. Composed in dialect rather than chancery German, they sought to engage the literate and semi-literate laity on both sides. Finally, all the pamphlets were rhetorically sophisticated, the last two in particular being characterized by linguistic playfulness and sardonic wit.

One small example of that humor will have to suffice here. All the pamphlets emphasized the powerful outside allies that each party claimed: the Pope, the Emperor and Spain for the Catholics, France, Sweden and "the Lord Protector in England" for the Protestants.[39] The Thurgau author of the third pamphlet could not resist a joke at Cromwell's expense. (To get the joke, you need to know that "*Schotten*" is an old Alemannic word for "whey").

> Jockle: You were just telling me about that Protector in England. Hey, who is that Protector guy?
>
> Barthle: He is lord in England, Scotland, and Ireland.
>
> J: And what kind of a place is Scotland? Is it close to Appenzell, where they drink a lot of *Schotten*?
>
> B: Heavens, no, it's pretty much at the end of the world.[40]

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[38] L 1403, A 3^{v}. Further discussion of how well, and by whom, the Landfrieden was known in Randolph Head, "Knowing the Landfrieden: texts, practices and communities in post-Reformation Switzerland," paper presented at the Sixteenth Century Studies Conference, Atlanta, October 2005.

[39] Citing L 1402a, p. 7.

[40] L 1404, A 2^{r}: Jockle: "Du häst mir nülich vill vom…Protector in Engelland geseyt/…Wär ist eyßma diser Protector? Barthel: Er ist Hör in Engelland /Schottland/ und Irland. J: Wo ist eysma das Schottland? nit wytt von AppenCell, wo man so vil Schotten trinckt? B: Botz tusig neyn/es ist woll am End der Weltt."

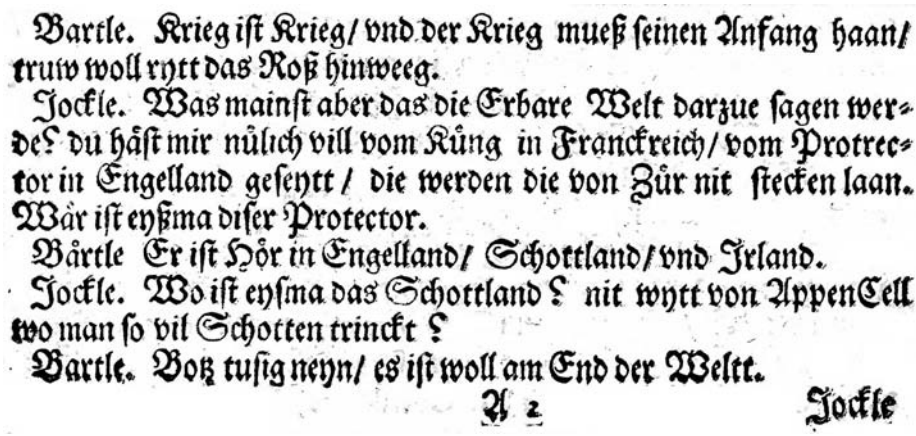
Bartle. Krieg iſt Krieg/ vnd der Krieg mueß ſeinen Anfang haan/ truw woll rytt das Roß hinweeg.
Jockle. Was mainſt aber das die Erbare Welt darzue ſagen werde? du häſt mir nülich vill vom Küng in Franckreich/ vom Protrector in Engelland geſeytt/ die werden die von Zür nit ſtecken laan. Wär iſt eyßma diſer Protector.
Bärtle Er iſt Hör in Engelland/ Schottland/ vnd Irland.
Jockle. Wo iſt eyſma das Schottland? nit wytt von AppenCell wo man ſo vil Schotten trinckt?
Bartle. Botz tuſig neyn/ es iſt woll am End der Weltt.
A 2 Jockle

Fig. 2. Barthle and Jockle on Cromwell (used with permission of the Kantonsbibliothek Thurgau).

When Jockle points out that an ally at the ends of the earth is not very useful, Barthle retorts that "Crowell" has a pile of gold and will send some to Zurich, setting up another running joke about "that guy with all the money."[41]

Thinking with Neighbors

That early modern Europeans looked at other regions to understand how things could be better (or as the British sometimes did, to remind themselves how good things were), is no surprise. From Imperial Rome to France to the Persians, other societies provided useful foils in a wide variety of debates. In a similar fashion, as Tom Brady has showed us, the possibility of emulating the Confederation and "turning Swiss" long remained a potent ideological lever in southern Germany, even among those who had little interest in actually doing so.[42] The four Swiss dialect pamphlets here draw on a similar approach. By setting

[41] On actual diplomatic relations between the Swiss Protestants and the Commonwealth—which went as far as a possible £20,000 loan to the urban cantons in early 1656—see Alfred Stern, "Oliver Cromwell und die evangelischen Kantone der Schweiz," *Historische Zeitschrift* 40 (n.f. 4), (1878), pp. 52–99.

[42] Thomas A. Brady, Jr. *Turning Swiss. Cities and Empire, 1450–1550* (Cambridge: Cambridge University Press, 1985).

their dialogues in the Thurgau, which had experienced confessional peace for over a century despite the close proximity of Protestants and Catholics, the authors could claim the mantle of prudent and peaceful policy about confessional issues, while representing the other side as rigid and belligerent.

Interestingly, the pamphlet attributed to Harsdörffer rests on a parallel argument, using the marginal and confessionally mixed Swiss Confederation to reflect on confessional and military tensions in the Reich as a whole.[43] The pamphlet begins with Apollo's astonished observation that:

> Even though the Confederation has been divided in religion for about 130 years, with both parties of about equal power, and both allied with leading potentates tied to them by religion, it has nevertheless displayed equally long unity; it only fell into enmity and the sword briefly during the introduction of the new teachings, but since 1531 has maintained the peace with fairness worthy of wonder, so that no major conflicts ever arose.[44]

After a well-informed discussion of the diplomatic context of the war, the Olympian discussion in the pamphlet turned to why the war ended so quickly, in contrast to the negotiations in Westphalia.[45] The conclusion, in Lipsian tones, proclaimed that the Swiss still possessed a "particular consciousness and zealousness in matters of common benefit . . . so that the division of religion had not darkened their reason nor cooled their love of their Fatherland."[46] Apollo was so impressed that he ordered the Swiss "to appoint an embassy from their midst to

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[43] Technically, the Swiss Confederation had been fully exempted from the Empire's jurisdiction by the provisions of the treaties of Münster and Osnabruck in 1648, but the region's long adherence and continued ties with the German-speaking intellectual world made Harsdörffer's move entirely credible.

[44] *Parnassi Trutina*, pp. 3–4: ". . . daß obschon die Eidtgenossenschafft nunmehr von ohngefähr 130. Jahren hero in der Religion getrennet/und beyde theil von vast gleicher macht/auch mit vornemmen Glaubens beygethanen Potentaten verwandt seyn/dannoch eine so lange einmühtigkeit erzeigt/und bloß bey einführung der newen Lehren zum schwert und in eine feindschafft gerathen/seith Anno 1531. aber mit billich mässiger verwunderung den Frieden bewahret/und keinen Hauptstreit erweckt hätten."

[45] *Parnassi Trutina*, p. 7.

[46] *Parnassi Trutina*, p. 8: ". . . daß sie . . . vile mehr eine sonderbare vernunfft und eyfer in gemein nützlichen sachen der ehrbaren welt vorgestellt hätten/in erwegung selbige offenbar gemacht/daß der zwyspalt im Glauben . . . jrhen verstand so weit nicht gedunckelt/noch die liebe gegen den Vatterland also erkältet . . ." The following pages provide another detailed and prudential analysis of how the Swiss had recognized the folly of proceeding towards more combat.

the neighboring German Nation at the upcoming Reichstag, and to present certain considerations in his, Apollo's, name to the assembled estates."[47] The concluding mock instruction for Apollo's delegates to the German Diet warned the assembled estates against religious wrangling. Even if the princes of both confessions thought they were pursuing virtuous ends, they might discover instead that "the Imperial statutes would be broken, liberty would be deprived of its foundation, and a despicable dominion undoubtedly would be imposed."[48] Instead, German potentates should mollify their ambitions in the name of the common good and "German Liberty."[49]

Conclusion

In addition to revealing changing attitudes among the Swiss in the 1650s, these texts raise some larger issues. To start with, they confirm how difficult it was for Europeans after the Reformation to imagine new ways of talking about religious difference. By 1656, accommodation was a reality experienced by many Germans, yet the rigidity of their frame of reference, the refractory consistency of the old model of "*verkätzern*," made genuine changes in confessional relations extraordinarily difficult to express. The texts considered here therefore turned to marginal regions, from a Swiss and German perspective respectively, for fresh approaches to talking about these enduring rifts in European affairs. Of course, another, genuinely new language was about to emerge in the late 1600s: between the powerful prudential rhetoric of Lipsius and Grotius and the visionary understanding of the self that grew out of the work of Descartes and Spinoza, the early Enlightenment was

[47] *Parnassi Trutina*, p. 11. "…und denen [scl. gesambte Eydgnoßschafft] auffzutragen befohlen/daß selbige an die Benachbarte Teutsche Nation auf bevorstehenden Reichs-Tag eine Gesandtschaft auß ihrem Mittel verordnen/und in seim Apollinis nammen etliche erinnerungen denen versambleten Reichs-Ständen vortragen solle…"

[48] *Parnassi Trutina*, p. 15.

[49] The political advice in this pamphlet follows a line of thought similar to that of neo-Stoicists and "raison d'état" thinkers in the Empire, and is thus in some ways less unusual than the four Swiss pamphlets. A review of the political literature of this school in Wolfgang Weber, *Prudentia gubernatoria. Studien zur Herrschaftslehre in der deutschen politischen Wissenschaft des 17. Jahrhunderts* (Tübingen, 1992).

about to disrupt existing ways of seeing things. But in 1656, scarcely anyone could have predicted this.[50]

This stubbornness of orthodox rhetoric is important for modern historians far beyond the fact that it confirms the ongoing tendency of many seventeenth-century Europeans to characterize religious difference as dangerous and unnatural. Two additional implications are particularly important. The first is historiographical: dependent as historians are on textual evidence that survives from the post-Reformation era, they need to be scrupulously conscious of the lasting disjunction between the traditional rhetoric of orthodoxy and the realities of coexistence.[51] Otherwise, they face the risk of treating rhetorical declarations of orthodoxy as descriptions of cultural and social reality, and thus interpreting an age enmeshed in the *language* of confession as an "age of faith" or "confessional era."[52] To complicate the issue, there is a second way that the tenacity of confessional language mattered. If we accept the constitutive as well as representational power of such discourses, then we must recognize that the post-Reformation era was characterized by hardening confessional lines partly *because* Europeans found it so difficult to find new ways of talking about how religious faith worked in their societies. Constant emphasis on the contrast between orthodoxy and heterodoxy did not just mirror, but also reinforced all sorts of tensions and conflicts on the ground. We can see such processes at work in the lead-up to the First War of Villmergen, even as we see Swiss propagandists trying to write differently about the conflict. One way that authors could change their perspective, moreover, was by finding appropriate settings—like the Thurgau relative to Switzerland or Switzerland

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[50] For the strikingly different, and very diverse opinions in circulation in the early eighteenth century, cf. Mack Walker, *The Salzburg Transaction: Expulsion and Redemption in Eighteenth-Century Germany* (Ithaca and London: Cornell University Press), 1992. More broadly, the work of Martin Mulsow and others in recent years has probed the radical underground that provided one source for new, secular perspectives.

[51] I have attempted to characterize this tension elsewhere, e.g. Randolph Head, "The Transformations of the Long Sixteenth Century," introduction to Section II of *Beyond the Persecuting Society: Religious Toleration before the Enlightenment*, ed. John C. Laursen and Cary J. Nederman (Philadelphia: University of Pennsylvania Press, 1997), pp. 95–106.

[52] This tendency in the historiography may well have other roots, as well, such as an appropriation of Romantic thinking about the "natural" way that difference creates competing groups, as well as Enlightenment tendencies to attribute far more coherence to "orthodoxy" than the sources actually show. In this, Enlightenment thinkers themselves reproduced the tendency of medieval defenders of orthodoxy to see all heresy as part of a single, demonic conspiracy.

relative to the Empire—that allowed them to talk about a society at peace despite religious division. In doing so, they ultimately highlighted the increasingly visible fragmentation of the orthodox perspective, thus illuminating another way that the seventeenth century served as a tilt point between two ultimately incompatible cultural formations of religion and politics.

OF LIBERTY AND THE *UPSTALSBOOM*: URBAN-RURAL ALLIANCES AND SYMBOLS OF FREEDOM IN EARLY MODERN EAST FRISIA

David M. Luebke

> Nu hebben wy 't alles naar onzen zin, wy heerschen zelve over ons.
> ("Now everything is as we desire it [and] we govern ourselves")
>
> Wat regeering is dat? Het canaille heerscht over ons.
> ("What sort of government is that? The rabble rule over us")

With these remarks, two eighteenth-century townsmen circumscribed the possibilities as well as the hazards of cooperating with rural folk in defense of collective liberties.[1] As their *Platt* suggests, both statements were recorded in East Frisia—in the port city of Emden, to be precise, in February and March of 1727 respectively. Both were uttered by "ringleaders" in an armed rebellion against the Prince of East Frisia, Georg Albrecht, who in the years since the disastrous Christmas Flood of 1717 had been trying to recover control over fiscal administration from the territorial Estates.[2] The first observation—attributed to Johann Spree, a member of Emden's city council—expressed a patrician's optimism on the eve of a military campaign against the prince and his hopes for the political transformation that victory would bring. The rural population had already been mobilized for the effort and, according to Spree, it

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[1] Niedersächsisches Staatsarchiv Aurich (hereafter cited as StAA) Rep. 4 CIII b 32, "Extract uit een brief van Emden," 18 February 1727; and ibid., "Extract uit een brief van Emden," 7 March 1727. Both statements were denounced to princely authorities and preserved in a compilation of treasonous utterances to be used, presumably, for prosecuting "ringleaders." My thanks go to Hilko Holthuis for his help with translating East Frisian *Platt* into English.

[2] On the Christmas Flood of 1717 and its fiscal consequences, see Manfred Jakubowski-Tiessen, *Sturmflut 1717: Die Bewältigung einer Naturkatastrophe in der frühen Neuzeit* (Munich: Oldenbourg, 1992). The definitive account of these conflicts is Bernd Kappelhoff, *Absolutistisches Regiment oder Ständeherrschaft?: Landesherr und Landstände in Ostfriesland im ersten Drittel des 18. Jahrhunderts* (Hildesheim: Lax, 1982).

remained only to assemble sufficient money and matériel. The second, darker perception was attributed to another Emden patrician, Leo van Wingene, who feared that by mobilizing the rural population, the Estates had opened a Pandora's box of social grievances. Van Wingene added that a noble had already placed himself at the head of these forces and was beginning to act very much like a "new Count" (*nieuwe Graff*). What would happen if rural folk turned against Emden? Could a charismatic leader mold rural grievances into a force potent enough to challenge the territorial diet? "What will become of us then?"[3]

Anyone familiar with Tom Brady's work will recognize in these statements the contours of an earlier dilemma. At the close of the fifteenth century, south German cities faced a similar choice between two means of preserving urban liberty. On the one hand, they could "turn Swiss" by federating with rural communes, perhaps even by joining the Swiss Confederation formally.[4] Or they could try to preserve their autonomy the "Austrian way," by allying with Habsburg imperial power against the mighty princes. Ultimately, the merchants and rentiers who dominated most south German cities cast their lot with the Empire and turned their backs on the villages—not least, Brady argues, because they could not shake their qualms over "turning Swiss in the sense of ordinary folk wanting to be their own lords."[5] The social, economic, and cultural forces that were pushing south German cities toward oligarchy also moved them to seek friends in high places, not low. But whatever its outcome, their decision would hinge on a strategic calculation of the risks posed by making common cause with rural people—the very dilemma that distinguished Spree's confidence from van Wingene's gloom.

In the final decades of the sixteenth century, Emden's ruling elites chose a very different path. Rather than abandon rural communes to the prince's mercies, the patricians allied themselves—hesitantly at first, then eagerly—with independent farmers in the surrounding countryside. In part, this was for want of better alternatives: no other town in East Frisia came close to Emden in wealth and population. Still, its collaboration with rural communes produced one of the most potent

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[3] "Hae wil het noch met ons gaan?"; StAA Rep. 4 CIII b 32, "Extract uit een brief van Emden," 7 March 1727.

[4] Thomas A. Brady, Jr., *Turning Swiss: Cities and Empire, 1450–1550* (Cambridge: Cambridge University Press, 1985), 2.

[5] Brady, *Turning Swiss*, 229.

systems of corporative political representation in the Holy Roman Empire: by the mid-seventeenth century, for example, the Estates had near complete control over the administration of public taxes.[6] If there was a North German variant of "turning Swiss"—in the sense of an urban-rural confederation in defense of customary liberties—this was it.[7] But we must not assume that Emden patricians overcame all social ambivalences toward their rural allies. Emden's patricians worried no less than their south German cousins had that their alliance heightened the danger of "mob rule"—*ochlocratia*, in the terminology of one contemporary critic. To prevent it they helped to introduce an array of institutional constraints on electoral franchise in the countryside.[8] Independent, well-to-do housefathers would be allowed an active role in the deliberating the territory's common affairs; but other, lesser villagers would not.

This essay is about social bases and symbolic structure of territorial representation in early modern East Frisia. It has two main points to make. The first concerns the social foundation of "embodiment" in political representation—the idea that when the Estates of a nation or province assembled to deliberate they did not "represent" constituencies external to themselves but personified the polity wholly and in assembling made it "present" again.[9] This was an old idea, of course,

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[6] For southern German comparisons see Peter Blickle, *Landschaften im Alten Reich: Die staatliche Funktion des Gemeinen Mannes in Oberdeutschland* (Munich: C.H. Beck, 1973) and more recently Kersten Krüger, *Die landständische Verfassung* (München: Oldenbourg, 2003).

[7] Heinz Schilling and Wayne te Brake have offered "going Dutch" to evoke the influence of Netherlandish political experience on German cities and towns during the sixteenth and seventeenth centuries. But this turn of phrase doesn't quite capture the East Frisian experience. The most important reason is that the Dutch experience offered few models of collaboration between cities and rural communes. With the exception of the *grientenijen* in Friesland, representation in the Dutch provinces did not include rural districts. Perhaps then a more aposite designation would be "going Frisian." See Heinz Schilling, "Calvinism and Urban Republicanism: The Emden Experience" in his *Civic Calvinism in Northwestern Germany and the Netherlands: Sixteenth to Nineteenth Centuries* (Kirksville: Sixteenth Century Journal Publishers, 1991), 11–39, here 37–38; and Wayne te Brake, *Shaping History: Ordinary People in European Politics, 1500–1700* (Berkeley: University of California Press, 1998), 172–173.

[8] Heinrich Schmidt, *Politische Geschichte Ostfrieslands* (Leer: Rautenberg, 1975), 229.

[9] Thus, as Paul Friedland puts it, political bodies were not "the ultimate objects of the representative process" but physical "re-presentations" of the body politic; see his *Political Actors: Representative Bodies and Theatricality in the Age of the French Revolution* (Ithaca: Cornell University Press, 2002), 30–31.

rooted in the medieval concept of the *corpus reipublicae mysticum*.[10] As a practical matter, the process by which "embodied" territorial representation acquired institutional permanence and autonomy entailed a remapping of socio-political boundaries within the rural village, involving the conscious exclusion of women, cottagers, and day-laborers from participation in communal decision-making. This process was also reflected in a rediscovery of "Frisian Liberty" that was encapsulated symbolically in images of the "Upstalsboom," an ancient grove near the village of Westerende, where medieval Frisian peasants were said to have gathered to make laws and find justice [Figure 1].[11] On the North Sea coast, "turning Swiss" meant including independent producers *and* excluding the rest—symbolically as well as procedurally—from formal participation in political representation.

The second point is about the potential of this system to open up and become more inclusive, not to say "democratic," during the last century of the early modern period. It did have that capacity, although for reasons having little to do with any teleological progression of political forms. Long after it had been established as law, East Frisia's system of communal representation remained vulnerable to stresses that blurred the social distinctions on which it was founded. In part, this was because the anxiety of patrician elites never blinded them entirely to the advantages of mobilizing rural underclasses, if the latter could be persuaded to defend a system of representation that otherwise excluded them. The crisis of the 1720s showed that this legitimation could not be achieved without socially more inclusive forms of mobilization and decision-making. Once again, calculations of risk and gain made all the difference. Thus the conflict between Prince Georg Albrecht and the Estates set off a radical expansion of political franchise and a proliferation in new forms of consultative decision-making. It also set off another reinterpretation of the Upstalsboom, in which the revival of Frisian Liberty was allied symbolically with an unprecedented breaking down of social constraints on political communication.

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[10] See Ernst Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957), 207–232. For the influence of this concept on German political thought, see Barbara Stollberg-Rilinger, *Vormünder des Volkes? Konzepte landständischer Repräsentation in der Spätphase des alten Reiches* (Berlin: Duncker & Humblot, 1999).

[11] On "Frisian Liberty" as an ideology of peasant freedom, see Otto Knotterus, "Bauernfreiheit," in Hajo van Lengen, ed., *Die Friesische Freiheit des Mittelalters: Leben und Legende* (Aurich: Ostfriesische Landschaft, 2003), 379–403.

OstFrieß- und Harrlingerland

nach

geographiſchen, topographiſchen, phyſiſchen, ökonomiſchen, ſtatiſtiſchen, politiſchen und geſchichtlichen

Verhältniſſen,

von

Johann Conrad Freeſe,

Königl. Preußl. Krieges Kommiſſär und Kontrolleur der OſtFrieſiſchen kombinirten Domainen und Krieges-Kaſſe.

Erſter Band.

Aurich 1796.

Bei Johann Adolph Schulte, und in Kommiſſion der Curtſchen Buchhandlung in Halle.

Fig. 1. The *Upstalsboom*.

Estates and Communal 'Presence'

Territorial estates formed late in East Frisia. Until the mid-sixteenth century, sessions were *ad hoc* affairs, with little continuity of procedure or personnel.[12] Similarly, the idea that the territorial Estates somehow "embodied" the whole polity of East Frisia was slow to arrive on the North Sea shores. In part, this was because the very idea of "East" Frisia was relatively new. Much older was the notion that *all* Frisia, from the Ijsselmeer to the mouth of the Weser, constituted a single territory (*Land*) whose people enjoyed certain collective freedoms and gathered occasionally to make law or war—all this went back to the late eleventh century.[13] But "East" Frisia was the product of local power struggles in the fifteenth century, from which the Cirksena family emerged as the region's ruling dynasty.[14] By then, the Frisians' assemblies at the Upstalsboom were already a vague and distant memory.[15] A regular system of territorial representation only took shape in East Frisia during the second half of the sixteenth century, and contestation between prince and diet over the distribution of powers between them continued long after.

Throughout these struggles, independent farmers—referred to collectively as *Hausleute* or the *Hausmannstand*—offered a self-assertive and valuable ally. East Frisian nobles were the first to perceive this, and as early as the 1550s, they insisted that common taxes could not be levied without the prior knowledge and approval of freeholding farmers.[16] Beginning in the 1570s, however, nobles aligned themselves

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[12] Harm Wiemann, *Materialien zur Geschichte der ostfriesischen Landschaft* (Aurich: Ostfriesische Landschaft, 1982).

[13] For the best recent analyses of political formation in medieval Frisia, see Wilfried Ehbrecht, "Gemeinschaft, Land und Bund im Friesland des 12. bis 14. Jahrhunderts," in van Lengen, ed., *Friesische Freiheit*, 135–193; idem, "*Universitas civium*: Ländliche und städtische Genossenschaftsformen im mittelalterlichen Nordseekustenraum," in Helmut Jäger et al., eds., *Civitatum Communitas: Studien zum europäischen Städtewesen*, 2 vols. (Cologne: Böhlau, 1984), 1:115–145; and Heinrich Schmidt, "Zur 'Ideologie' der friesischen Freiheit im Mittelalter," in van Lengen, ed., *Die Friesische Freiheit*, 319–345.

[14] See Hajo van Lengen, *Geschichte des Emsigerlandes vom frühen 13. bis zum späten 15. Jahrhundert* (Aurich: Ostfriesische Landschaft, 1973); idem, "Bauernfreiheit und Häuptlingsherrschaft im östlichen Friesland," in Karl-Ernst Behre and Hajo van Lengen, eds., *Ostfriesland: Geschichte und Gestalt einer Kulturlandschaft* (Aurich: Ostfriesische Landschaft, 1996), 113–134.

[15] Schmidt, "Zur 'Ideologie'," 338–341.

[16] Harm Wiemann, "Landschaft und Land: Probleme der ständischen Repräsentation in Ostfriesland vom 16. bis 18. Jahrhundert," in *Forschungsinstitut für den friesischen Küstenraum: Beiträge und Ergebnisse der Kolloquien* 3 (1981): 1–14, here 5.

increasingly with the prince, and henceforward it was the city of Emden—then experiencing a spectacular commercial, demographic, political, and cultural efflorescence[17]—that promoted the inclusion of rural representatives most energetically and consistently.[18] Town and country closed ranks against the taxation policies of counts Johannes (1561–1591), Edzard II (1561–1599) and Enno III (1599–1625); in the westernmost villages of East Frisia, religion made Emden's alliance with the villages a matter of Calvinist opposition to a Lutheran prince.[19] Emden's cooperation with rural villages was particularly close after Johannes Althusius, the paradigmatic theoretician of communal order in early modern Europe, assumed the office of *Syndicus* for the city of Emden in 1604.[20] The farmers' reward for their alliance was an increasingly secure role in the diet's deliberations. By 1593, the rural delegates already had their own *Syndicus*; during the first years of the seventeenth century, both the territorial Estates in general and rural representation in particular solidified to the point that delegates of the *Hausmannstand* constituted a regular Third Chamber in the territorial diet, alongside *curiae* for the matriculated nobility and the East Frisian towns. Communal delegates were thus present from an early stage in the development of territorial assemblies.

Communes were "present" in another sense as well. As early as 1615, every new delegate to the Third Chamber had to produce a letter of mandate (*Vollmacht*) empowering him to represent his electors. Though there was no prescribed text for these credentials, most conferred "full and complete powers" in matters touching on the "good of the fatherland"; delegates were "to act as if we ourselves personally were

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[17] On the religious and political impact of Dutch refugees on Emden, see Heinz Schilling, *Niederlandische Exulanten im 16. Jahrhundert: Ihre Stellung im Sozialgefüge und im religiösen Leben deutscher und englischer Städte* (Gutersloh: Mohn, 1972); and Andrew Pettegree, *Emden and the Dutch Revolt: Exile and the Development of Reformed Protestantism* (Oxford: Clarendon, 1992). On Emden's economic fortunes during the late sixteenth century, see Hermann de Buhr, "Konjunktur und beginnender Niedergang einer Hafenstadt: Emden in der zweiten Hälfte des 16. Jahrhunderts," in Heinz Stoob, ed., *See- und Flußhäfen vom Hochmittelalter bis zur Industrialisierung* (Cologne: Böhlau, 1986), 161–174; and Bernhard Hagedorn, *Ostfrieslands Handel und Schiffahrt im 16. Jahrhundert*, 2 vols. (Berlin: Curtius, 1910–1912).

[18] Schmidt, *Politische Geschichte*, 192–194.

[19] Schmidt, *Politicsche Geschichte*, 212–214; Schilling, "Calvinism," 31.

[20] Althusius remained *Syndicus* until his death in 1638. For Althusius' political biography, see Heinz Antholz, *Die politische Wirksamkeit des Johannes Althusius in Emden* (Aurich: Ostfriesische Landschaft, 1955); and his "Johannes Althusius als *Syndicus Reipublicae Embdanae*: Ein kritisches Repertorium," in Karl-Wilhelm Daym et al., *Politische Theorie des Johannes Althusius* (Berlin: Duncker & Humblot, 1988), 67–88.

present" (*als wi selbst personlich dar weren*).[21] These words were chosen carefully: "fatherland" invoked an authority higher than the prince and reflected, among other things, the fact that between 1561 and 1591 princely authority was uneasily divided between fraternal co-rulers, Counts Edzard II and Johannes. Implicitly, election credentials empowered rural delegates to occupy the vacuum created by fraternal strife in the house of Cirksena.[22] Similarly, the concept of representation contained in the phrase "*wi selbst personlich*" conferred an office and a status, not simply a time-bound and delegated authority. A delegate did not so much represent his commune in the modern sense as personify it, and anyone in possession of valid credentials, no matter how yellowed, stood a decent chance of gaining a seat in the territorial diet.[23] Eventually, communes began appointing "adjuncts" for the eventuality that a regular delegate died or was unable to exercise his office.[24] The cumulative effect of these arrangements was to encourage continuity

[21] Thus a typical mandate states that "wi…hiermit gnochsame Vulmacht gegeven, dat er in sach so tho unseres vaderlandes besten geratslaget unseres carspels Borgen halven sall vullenkomen macht hebben tho handelen und tho doen, als wi selbst personlich dar weren"; see the *Vollmacht* for Johann Egbers, Kirchborgum, 6 August 1615; in Wiemann, *Materialien*, 62. Most mandates held communal delegates "harmless for all damages" they might incur "on the commune's behalf." See the *Vollmachten* from Westermarsch (1 August 1615) and Leer (21 November 1624) in Wiemann, *Materialien*, 60–62. A few were binding and required delegates to consult with the mandating commune "in matters of the highest importance," but most mandates, such as the *Vollmacht* for Johann Egbers, were open-ended and gave delegates a free hand to act as they saw fit.

[22] On the concept of "Fatherland" in sixteenth-century political thought see most recently Robert von Friedeburg, "The Problems of Passions and of Love of the Fatherland in Protestant Thought: Melanchthon to Althusius, 1520s to 1620s," *Cultural and Social History* 2 (2005): 81–98; and his "In Defense of *Patria*: Resisting Magistrates and the Duties of Patriots in the Empire from the 1530s to the 1640s," *Sixteenth-Century Journal* 32 (2001): 357–382.

[23] This idea of embodiment was powerful enough to trump the effects of a botched election: in 1724, for example, Cornelies Jacobs was allowed to attend a diet, even though irregularities had disqualified his most recent election, because he was able to produce an older but still valid mandate; see StAA Dep. I 1452, 249r–284v, Landtagsprotocol, 11 August 1724.

[24] Adjunct status marked the bearer as a kind of designated successor. See, for example, the confirmation of credentials for Lucas Claesen of Weener (StAA Dep. I 1411, 108r–110r, 9 April 1709); Menno Lehling (Ibid., 117r–122r, 10 October 1709); Severin Schroeder of Leer and Frans Focken of Weener (StAA Dep. I 1412, 91r–95r, 4 October 1713); Broer Jürgen Lynesch of Engerhafe (StAA Dep. I 1412, 130v, 12 April 1715); and Leo van Wingene of Hinte (StAA Dep. I 1410, 24r–29r, 4 April 1716). All of these individuals subsequently became delegates in their own right.

of embodied representation beyond the physical capacity or natural life of any particular delegate.

It is crucial to bear in mind that these practices evolved in conjunction with the emergence of restrictions on the right to take part in communal decision-making. Rural delegates had attended the diet since 1573, but prior to 1600 or so, there were few rules that stipulated who was entitled to choose them. As the rural delegates' right to attend the diet firmed up—the privilege of each commune to elect a representative was confirmed in 1611[25]—franchise rights grew more and more restrictive. In 1620, the Estates established property qualifications, which had the effect of limiting electoral rights to 15–25 percent of all households.[26] As a result, a wide range of socio-political groups was excluded from elections: women, of course, but also small farmers, village artisans and cottagers (*Warfleute*), to say nothing of day-laborers (*Tagelöhner, Heuerlinge*).[27] Significantly, the definition also excluded from the electoral process all rent-paying tenant farmers (*Heuerleute*), even very wealthy ones, and domain tenants, including those with heritable tenancies, from participation in the election of communal representatives.[28] Moreover, this process unfolded in tandem with institutional consolidation and legal codification at the village level that tightened the circle of communal decision-making even further.[29] In 1663, for example, the right to participate in the election of parish pastors—long a communal privilege in

[25] See the terms of the Osterhusen Accord, 21 May 1611, reprinted in Wiemann, *Die Grundlagen der landständigen Verfassung Ostfrieslands: Die Vertäge von 1595 bis 1611* (Aurich: Ostfriesische Landschaft, 1974), 212–261.

[26] Kappelhoff, *Absolutistisches Regiment*, 45; and Reemda Anna Tieben, "Dörfliches Konfliktverhalten im 17. Jahrhundert: Der Fall Weener/Ostfriesland 1660," MA Thesis, University of Münster, 2001, 39.

[27] For useful overviews of territorial law governing the electoral franchise of the Third Estate, see Josef König, V*erwaltungsgeschichte Ostfrieslands bis zum Aussterben seines Fürstenhauses* (Göttingen, Vandenhoeck & Ruprecht, 1955), 326–328; Kappelhoff, *Absolutistisches Regiment*, 32–34; and Sabine Heissler, "Die 'ostfriesische Singularität': Die politische und soziale Stellung der ostfriesichen Landstände im beginnenden Absolutismus, 1660–1690," Ph.D. Dissertation, University of Mannheim, 1995, 81–85. For more on the particular, local mechanisms by which communal delegates were selected, see David M. Luebke, "Symbolische Konstruktionen politischer Repräsentation im ländlichen Ostfriesland, 1719–1727," *Westfälische Forschungen* 53 (2003): 183–213.

[28] Thus, for example, the credentials of Eilert Hajen of Timmel were rejected on the grounds that he did not own enough land in his own right and was a "mere" domain tenant. StAA Dep. I 1452, 15r, Landtagsprotocol, 12 March 1724.

[29] Beginning in the 1590s, villages throughout the coastal lowlands instituted village ordinances, many of which restricted voting rights in communal assemblies to the *Interessenten*—i.e., freeholding housefather-proprietors of a certain wealth and moral standing; see Wilhelm Ebel, *Ostfriesische Bauerrechte* (Aurich: Ostfriesische Landschaft, 1964).

East Frisia—was restricted to men who met the property qualifications laid down in 1620.[30] And because the right to use village commons also attached to the ownership of a farmstead, only the *Hausleute* enjoyed it fully and freely.[31] In East Frisia, the formation of territorial Estates coincided with an oligarchization of village society.

How are we to account for the fact that electoral franchise was delimited in this, and not some other way? In most of Western Europe, communal assemblies typically included all adult males and were thus *more* inclusive than in East Frisia.[32] In those regions of southern Germany where village communes were represented in territorial diets, the right to participate in the election of a delegate often extended to every adult male.[33]

One answer is that the limitation of franchise rights represented a convergence of interests between urban and village elites. Obviously, the exclusion of tenants on noble or princely domain lands reinforced the local power of freeholders. But it would be mistaken to conclude that all the pressure toward oligarchy emanated from the countryside. Heinrich Schmidt argues that the exclusion of tenants on noble land also reflected the interest of urban patricians in minimizing the influence that noble landowners could exert on communal decision-making through their tenants—and, by extension, on the Third Chamber.[34] But by the mid-sixteenth century, the steady concentration and consolidation of rural holdings had so blurred the distinction between freeholders and

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[30] On the right of East Frisian parishes to elect their own pastors, see Anneliese Sprengler-Ruppenthal, "Zur reformatorischen Kirchenrechtsbildung in Ostfriesland," *Zeitschrift für evangelisches Kirchenrecht* 10 (1964): 314–367, here 351–355; and Menno Smid, „Zur Geschichte und Bedeutung des ostfriesischen Interessentenwahlrecht," *Jahrbuch der Gesellschaft für niedersächsische Kirchengeschichte* 68 (1970): 39–58. The property qualification for voting in pastoral elections was set at 20 *Grasen* of freehold land, not 25, as it was for the election of communal representatives.

[31] See Wilhelm Ebel, "Zur Rechtsgeschichte der Landgemeinde in Ostfriesland," in Theodor Mayer, ed., *Die Anfänge der Landgemeinde und ihr Wesen* (Konstanz: Thorbecke, 1964), 305–324; Egbert Koolman, *Gemeinde und Amt: Untersuchungen zur Geschichte gemeindlicher Selbstverwaltung und landesherrlicher Amtsverwaltung im südlichen Ostfriesland* (Aurich: Ostfriesische Landschaft, 1969), 59.

[32] Peter Blickle, *Kommunalismus: Skizzen einer gesellschaftlichen Organisationsform*, 2 vols. (Munich: Oldenbourg, 2000), 2:132–146.

[33] In the Black Forest lordship of Hauenstein, for example, even serfs (*Leibeigene*) participated in the election of "canton-masters" (*Einungsmeister*) who represented the county at the provincial estates of Hither Austria; see David M. Luebke, *His Majesty's Rebels: Communities, Factions and Rural Revolt in the Black Forest, 1725–1745* (Ithaca: Cornell University Press, 1997), 30–32.

[34] Schmidt, *Politische Geschichte*, 219–220.

tenants that many, perhaps most farmsteads were a patchwork of rented parcels and terrain owned free and clear. The Estates got around this problem in 1611 by redefining the rented parcels within consolidated farmsteads as hereditary leaseholds—the equivalent, for the purposes of electoral law, of freehold land. The property qualifications established in 1620 put these new criteria into practice at the village level. These restricted franchise to two groups: first, adult males who owned outright a farmstead with 25 *Grasen* (approximately 9.2 hectares), and second, producers who held a consolidated farmstead of 50 *Grasen* in size or more.[35] Moreover, because franchise rights attached to the farmstead, not to its owner, a single proprietor commanded as many votes as the number of farmsteads he possessed.[36] Meanwhile the concentration of rural wealth continued apace, which steadily shrank the number of enfranchised villagers.[37] Urban patricians were not responsible for the consolidation of farmsteads, but their alliance with village elites certainly reinforced it, concentrating power among a relatively small number of well-to-do housefather proprietors. In East Frisia, urban oligarchy found its mate in the village commune.[38]

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[35] These qualifications applied to villages located in the fertile coastal zone, or *Marsch*. In the sandy, less fertile hinterland, or *Geest*, communal franchise extended rather more generously to anyone who freely held half or whole farmstead. Finally, non-farmers could participate if their assessed personal worth exceeded 1,000 Reichstaler. See the Final Resolution of the Diet of Norden, 6 July 1620, in Enno R. Brenneysen, *Ost-Friesische Historie und Landes-Verfassung*, 2 vols. (Aurich: Samuel Böttger, 1720), 2:580–589.

[36] Thus in schoolmaster elections in the village of Visquart in 1763, thirteen males cast a total of twenty-five votes. One of them, Dirk Herlyn, cast a total of seven votes, five for the farmsteads he owned in the village and another two for farmsteads owned by females in his kin-group; see Sibylle Brüggemann, *Landschullehrer in Ostfriesland und Harlingerland während der ersten preußischen Zeit (1744–1806)* (Cologne: Böhlau, 1988), 171–176.

[37] The concentration of rural wealth was especially pronounced in the *Marsch*, where contemporaries recognized a near doubling in the size of the largest farmsteads by mid-century from 50–60 *Grasen* to as much as 100; see Friedrich Swart, *Zur friesischen Agrargeschichte* (Leipzig: Duncker & Humblot, 1912), 199–214, 224–247; and Harm Wiemann, "Beiträge zur Wirtschafts- und Sozialgeschichte Ostfrieslands," in Jannes Ohling, ed., *Ostfriesland im Schutze des Deiches: Beiträge zur Kultur- und Wirtschaftsgeschichte des Ostfriesischen Küstenlandes*, 9 vols. (Pewsum: Deichacht Krummhörn, 1969–1980), 1:379–491, here 445–450.

[38] It is important to note that the urban-rural alliance was not iron clad. As Heinrich Schmidt, Sabine Heissler, and others have noted, the politics of rural delegates were motivated primarily by material interests, which occasionally drove them into alliance with the noble First Chamber against Emden and the other towns; see Schmidt, *Politische Geschichte*, 232, 239; and Heissler, "Singularität," *passim*.

Fig. 2. Ubbo Emmius' Design of a Seal for the East Frisian Estates (Niedersächsisches Landesarchiv, Rep 242 E Nr. 7, used with permission).

The consolidation of territorial Estates and a socially restrictive, "embodied" mode of communal representation developed hand-in-glove with the invention of "traditions" that would lend these innovations the impression of historic depth. The principal mythomotor in this process was not Althusius but the humanist Ubbo Emmius (1547–1625), a native of the fishing village of Greetsiel in East Frisia who in 1614 became the first *rector magnificus* at the University of Groningen. We have Emmius to thank for the modern image of the Upstalsboom as an emblem of the territorial Estates. In a travelogue published in Groningen in 1616, Emmius described "a site on open land not far from Westerende bearing the name Upstalsboom" where "three old and dying oaks stand." In olden times, he continued, the "most important men of all Frisia . . . assembled with the mandates of their compatriots" at the grove, there "to hold court and resolve conflicts." In times of danger, the Frisians hastened to the Upstalsboom "as to an altar of freedom."[39] With these images in mind, Emmius sketched a design for the Estates' official seal, featuring a fully armored Frisian warrior standing beside an oak tree [Figure 2].[40] Eventually, a heraldic device based on Emmius' design was in fact conferred by Emperor Leopold I in 1678 [Figure 3].[41]

For our purposes, the historical accuracy or inaccuracy of Emmius' description is less noteworthy than the manner in which his geography inscribed evolving modes of political representation. Each symbolic element in his description of the Upstalsboom justified the emergent territorial Estates and their constitutional claims by appealing to memories of ancient Frisian Liberty and bringing them up to date.[42] His attribution of lawgiving power to the people's assembled representatives, for example, delimited the authority of princes and, by presenting the foundation of territorial Estates as a return to aboriginal and therefore more authentic modes of political association, cast monarchy,

[39] Ubbo Emmius, *Ostfriesland: Führung durch Ostfriesland*, trans. Erich von Reeken (Frankfurt, 1982), 73–74.

[40] See Martin Tielke, "Der Upstalsboom als Gedächtnisort," van Lengen, ed., *Friesische Freiheit*, 437–461.

[41] On the process by which the arms were conferred, see Johann Conrad Freese, *Ost Friess- und Harrlingerland nach geographischen, topographischen, physischen, ökonomischen, statistischen, politischen und geschichtlichen Verhältnissen* (Aurich: J.A. Schulte, 1796), 80–81.

[42] Schmidt, *Politische Geschichte*, 232.

not corporative representation, as the modern innovation. Similarly, by evoking the ancient Frisians' solidarity in the face of common dangers, Emmius' Upstalsboom represented symbolically the Estates' ongoing resistance to the Cirksena dynasts, and the urban-rural alliance that gave it strength, as a historically grounded and sacred right of self-defense. As for communal representation, Emmius' suggestion that medieval Frisians had arrived at the Upstalsboom bearing "the mandates of their compatriots" depicted still-developing mechanisms for electing village delegates as a restoration of ancient norms and practices. Even the *threeness* of trees at the sacred grove may refer to the number of chambers in the territorial diet: other descriptions of the Upstalsboom referred to a single tree or to a copse, but Emmius was at pains to specify a formation that evoked the Estates' tricameral structure.[43] A final theme in Emmius' geography, which would recur a century later, was that of decay and revival. Essential to Emmius' mythmaking was the assertion of new institutional guarantees for preserving ancient Frisian Liberty, a program easily identified with the institutional autonomy of the Estates themselves. Like the Upstalsboom, Frisian Liberty was old and dying, but a re-assembled body politic would nourish its revival.

Conflict and 'Democratization'

Similar invocations of liberty and the Upstalsboom were heard a century later, when East Frisia was once again in the grips of constitutional struggle between prince and diet. On August 26, 1726, a lawyer named Hothmann encountered a "great mass of people" (*grosse menge volks*) gathered on the plaza between Norden's town hall and the church of St. Ludgeri. Most of them were farmers and many of them were wearing what they called "palm branches" in their hats. Also assembled on a plaza were a large number of wagons, munitions, and canon. Hothmann had come across part of the peasant army that the territorial Estates had mustered for the final battle against Prince Georg Albrecht for control over government in East Frisia—the very militia that filled Johannes Spree with hope and Leo van Wingene with dread.

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[43] Thus Willem Kuppers, "Upstalsboom—'der Altar der Freiheit': Vom Landtagsgelände der Friesen bis zur Thingstätte im Dritten Reich," in Hajo van Lengen, ed., *Friesische Freiheit*, 423–435.

Fig. 3. The Heraldic Device of 1678 (used with permission of the Ostfriesische Landschaftsbibliothek).

According to a secret report on Hothmann's observations, the lawyer asked a participant what the "palm branches" meant; in response he asked, "Do you not know that the Upstalsboom was about to whither and die, but is now growing once again? These are its branches, and soon [the tree] will blossom again, too."[44]

The meanings of these words and signs were more layered than the farmer let on. At one level, the wearing of "palm branches" may have gestured at the recent reinstatement by the Estates of Johann Laurenz Palm, a former mayor of Norden, whom Prince Georg Albrecht had deposed in 1724.[45] Arguably, the referent was also paschal: a different report of the same gathering tells that the farmers wore boxwood twigs, a common substitute for fronds in Palm Sunday observances.[46] If that is the case, then the militiaman's symbolization reinforced Emmius' theme

[44] "Wiset ihr nicht, dass der Upstallsbohm hat verdorren wollen, und der schlägt nun wieder aus, wovon diese Zweige sind, bald soll er auch wiederum blühen"; StAA Rep. 4 C III b 29, "Relation des Kays. Commissions-Bothen, von der Rebellen Unternehmung in der Stadt Norden" [August 1726].

[45] See Kappelhoff, *Absolutistisches Regiment*, 217–219, 281.

[46] The reference to boxwood twigs comes from Tileman Dothias Wiarda, an eighteenth-century chronicler, who interpreted these devices simply as symbols "of victory or of freedom"; Tileman Dothias Wiarda, *Ostfriesisiche Geschichte*, 10 vols. (Aurich: Winter, 1791–1797), 7:309–310. On the use of box branches as a substitute for palms in Palm

by linking the revival of the Upstalsboom with death and transfiguration in the Passion narrative. The report on Hothmann's observations contains a gloss on the militiaman's words, explaining that the Upstalsboom "is a rotten old tree where once the Frisians, as they claim, are supposed to have held their assembly (*Landtag*)."[47] Whether he realized it or not, the militiaman was replicating Ubbo Emmius' metaphor of the Upstalsboom's revival, nourished by the re-assembled body politic. Either way, the icon of mythic Frisian Liberties was very much alive in popular memory and political consciousness.[48]

Did his words also indicate the revival of Emden's alliance with village elites? A closer look at that "great mass of people" on the Norden plaza suggests that profound shifts in the structure of social alliance-making and political communication underlay the superficial continuity of signs. The gathering that Hothmann witnessed, as we know from other sources, was an assembly of the so-called "United Districts" (*Vereinigte Ämter*) of East Frisia—the four rural districts that in the spring of 1726 had made common cause with Emden and the territorial Estates in their effort to retain control over the county's system of tax collection.[49] In 1726, this conflict had escalated to the point of open warfare against Prince Georg Albrecht; in February, the United Districts had been called into existence ad hoc as a tool for mobilizing the rural population against the prince. [50] Villages were called upon to choose delegates—called *Commun-Herren* or "commune lords"—to represent them at consultative assemblies of the United Districts, which oversaw the collection of war taxes, the muster of arms and men, as well as the maintenance of sea-walls and other public functions.[51]

Sunday ritual, see Stephen Wilson, *The Magical Universe: Everyday Ritual and Magic in Pre-Modern Europe* (London: Hambledon, 2000), 33.

[47] "Ist ein alter verdorreter baum bey welchen vor diesen die friesen ihrem vorgeben nach landttage gehalten haben sollen"; StAA Rep. 4 C III b 29, "Relation des Kays. Commissions-Bothen, von der Rebellen Unternehmung in der Stadt Norden" [August 1726].

[48] Parenthetically, this contradicts Martin Tielke's recent assertion that the freedom associated with the Upstalsboom "remained a reminiscence only in educated circles." Here, it is the educated people who need reminding; farmers like Hothmann's interlocutor "know" well what the Upstalsboom stood for. See Tielke, "Upstalsboom als Gedächtnisort," 440–441.

[49] See StAA Rep. 4 C III b 61, "Protocollum examinis des Abbo Poppinga und Peter Abben vom Schott Auricher Amts," 16 April 1727.

[50] See StAA Rep. 4 C III b 26, "Resolutiones der Ämter Emden und Greetsiel," April 1726.

[51] Kappelhoff, *Absolutistisches Regiment*, 282, 336–343.

The crucial fact about these assemblies was the manner of their composition: *Commun-Herren* were chosen not by the "qualified" electors alone, but by *every* adult male, regardless of occupation, the ownership status of his lands, or his personal wealth. We know this because the *Commun-Herren*, like delegates to the territorial Estates, were expected to produce letters of electoral mandate on arrival at the United Districts. If we link the signatories to these documents with supplemental data on their socio-political standing, a picture of startling inclusiveness emerges. In the village of Engerhafe, for example, signatories to the election a *Commun-Herr* included twelve tenant farmers, twenty-three artisans and cottagers, and sixteen day-laborers. None of these people would have been entitled to participate in the selection of a communal delegate to the Third Chamber, let alone a village constable, schoolmaster, or pastor. In all, 73% of the identifiable signatories were of the non-enfranchised classes (they comprised about 70% Engerhafe's total population).[52] In short, the *Commun-Herren* were chosen by a cross-section of village society.

So this time around, the revival of the Upstalsboom coincided with a collapse of property restrictions on political franchise. As in the early seventeenth century, much of the initiative for this expansion emanated from Emden and the territorial Estates. The few scraps of information we have on the United Districts' composition suggest a shift from corporative to general representation at the village level. Already in April 1726, for example, special delegates representing day-laborers and cottagers were invited to attend a joint assembly of two rural districts north of Emden.[53] On this occasion, non-enfranchised groups seem to have been included as distinct *corpora* of village polity. By the late summer and autumn of 1726, the United Districts no longer distinguished between the representatives of enfranchised and non-enfranchised *corpora*. Instead, representation had become general: all adult males were participating in the choice of a *Commun-Herr*, just as in Engerhafe. The Estates' effort to mobilize the rural population against Prince Georg

[52] These figures come from a comparison of signatures attached to an electoral mandate for Jan Einers as *Commun-Herr* for Engerhafe signed on 26 August 1726 (StAA Rep 4 C III b 61) and a head-tax register compiled in 1719 (StAA Rep 4 CI g 59, 10r–15r).

[53] See StAA Rep. 4 C III b 26, "Resolutiones der Ämter Emden und Greetsiel," April 1726.

Albrecht had broken down the very restrictions on which the embodied authority of its own Third Chamber had rested.

Ideologically, the problem confronting eighteenth-century patricians was how to mobilize rural underclasses in defense of the Estates *without* altering its system of corporative representation fundamentally. New symbolic practices captured the profound ambiguities of this situation. Soon after the United Districts formed, its managers began affixing a novel ink stamp to the assembly's official communications, a seal whose design—a cursive letter "L" encircled by oak leaves and the words "United Estates" (*Vereinigte Stænde*) [Figure 4]—at once recalled the historical Dutch example of successful resistance to the power of princes and seemed to announce a general *Libertät*, rendered as a universalizing abstraction in the singular. The device also reduced that traditional icon of Frisian Liberty, the Upstalsboom, to a mere wreath of twigs. Symbolically, the L-stamp departed radically from the past.

But of course the opponents of Georg Albrecht envisioned no *permanent* expansion of electoral franchise, let alone an end to the corporative principle of territorial representation. For them, the cause of *Libertät* was a matter of defending the estates' supremacy in fiscal administration, and the territorial settlements on which it rested, against a prince who seemed determined to undermine them. For the defenders of *Libertät*, then, Georg Albrecht's "tyranny" consisted in a violation of treaty and contract. Until the spring of 1727, the "L" of *Libertät* was stamped on dozens of missives that defended United Districts' resistance with the argument that it was no rebellion against monarchy as such but a legitimate defense of "dearly-won territorial settlements and privileges." As Harbert Willems put it, "we recognize a prince alright, just not a sovereign prince."[54]

Why did the opposition to Georg Albrecht find it necessary to mobilize non-enfranchised populations so heavily? Part of the answer may be that by the eighteenth century, the *Hausleute* no longer constituted an adequate basis of communal mobilization. Since the mid-seventeenth century, patrician families in Emden and Norden had been buying up farmsteads and renting them out under term leases, often to their former owners. The result was that many villages, especially those closest

[54] "Wij kennen wol een vorst, maar neet voor een souvereijn vorst"; StAA Rep 4 CIII b 19, "Acta des Harbert Willems zu Grotegast ungebührl[iche] Reden wider Serenissimum u[nd] die kayserl[ichen] Decreta," 1723.

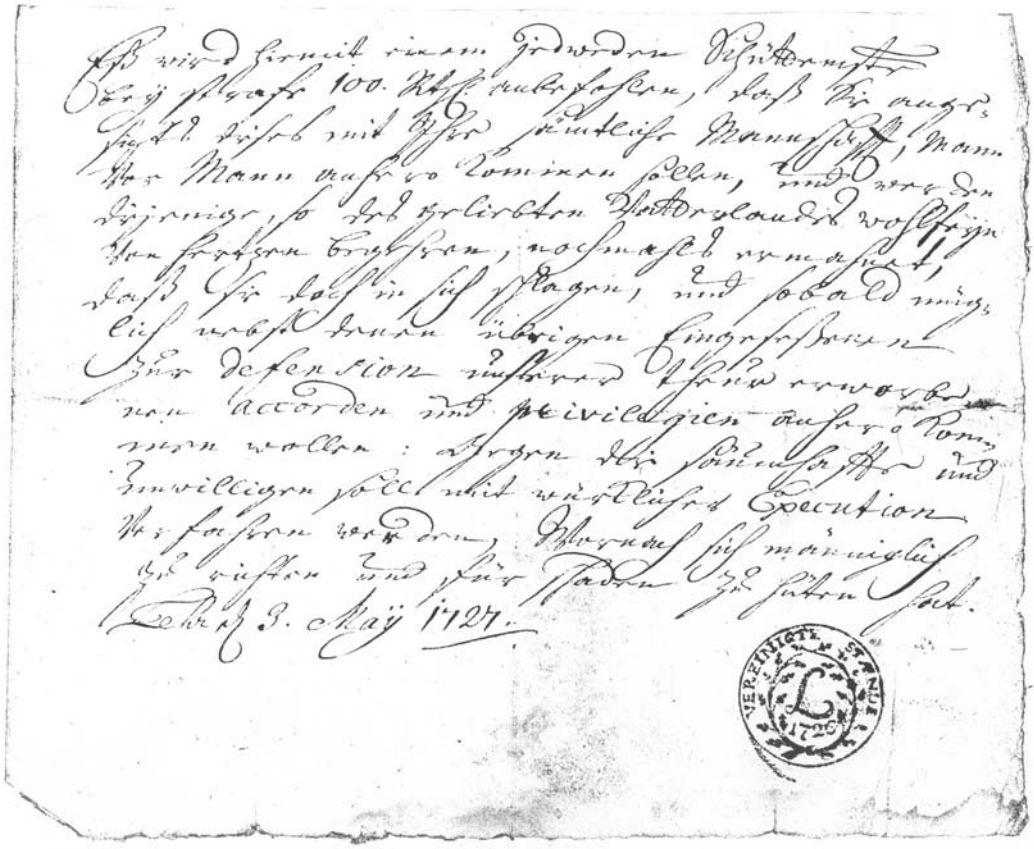

Fig. 4. The Seal of the United Estates (Niedersächsisches Landesarchiv Rep. 4 C III 25, used with permission).

to Emden, became subject to a kind of real-estate colonialism. In one village near Emden, Gross-Midlum, outsiders bought out every single farmstead.[55] But the new owners retained the rights that owning a farmstead conferred and elected their own kind as communal delegates to the Third Chamber, whose votes would tie it more closely to Emden in the territorial Estates' deliberations. Technically, this practice violated territorial law, which required delegates to reside in the villages they

[55] Jörg Engelbrecht, *Die reformierte Landgemeinde in Ostfriesland des 17. Jahrhunderts: Studien zum Wandel sozialer und kirchlicher Strukturen einer ländlichen Gesellschaft* (Frankfurt: Peter Lang, 1982), 108–110.

represented. But this obstacle was easily circumvented. Typically, in order get elected as a delegate to the Third Chamber, all an absentee landowner had to do was produce affidavits confirming that he lived in the village he had been chosen to represent, and the Estates would certify his credentials.[56] By this method, Leo van Wingene got himself a seat in the Third Chamber in 1716.[57] On the eve of armed confrontation between Georg Albrecht and the Estates, non-resident landowners possessed just under half of all privately-held land in the rural district immediately to the north of Emden.[58] An estimate compiled in 1727 suggests the extent to which Emden patricians were involved in this process: it indicated that that twenty-nine patrician "ringleaders" together owned a total of more than 2,000 acres of farmland, estimated at just over 170,000 Gulden in value.[59] In many villages, all this land-grabbing had reduced the total number of farmsteads and the voting rights that went with them.[60] As long as most qualified *Hausleute* were residents,

[56] Thus Dr. Abraham Albert Bertling was recognized into the Third Estate as a delegate from Amt Norden on the strength of affidavits from his own tenants, who testified that he spent weekends on the farm and therefore should count as a permanent resident; see StAA Dep. I 1438, 128r–136v, "Mandatum oder Vollmacht für Dr. A.A. Bertling alß extraordinairen Deputirten der Erb- und Eingesessenen Wester- und Linteler Marschen Norder Amtes," 1723. For the Estates' decision in Bertling's case, see StAA Dep. I 1439, 211r–240v, Landtagsprotocol, 16 April–2 May 1723.

[57] Leo van Wingene's election in 1716 aroused considerable consternation among his colleagues in the Third Chamber. Actual farmers-delegates from the Districts of Norden and Aurich suspected that van Wingene did not in fact live in Hinte, the village he had been elected to represent; see StAA Dep. I 1410, 24r–39v, "Continuation … Landtages-Protocolli," 1–4 April 1716. An affidavit from his fellow delegate, Warner Ter Braeck, assured the assembly that van Wingene really did live in the country and on the strength of this recommendation, the Third Estate admitted van Wingene; StAA Dep. I 1410, 46r–74v, "Continuatio des zu Aurich prorogierten Landtages-Protocolli," 14–17 October 1716. Scion of patrician family, van Wingene owned farmsteads in the villages of Groothusen, Visquard, Twixlum, Suurhusen, and Hinte.

[58] This estimate is based on cross linkages between a 1719 head tax register (StAA Rep 4 C I g 61, "Kopff-Schatzungs-Register des Ambts Embden") and a register of dike repair obligations, which were assessed proportionally to the acreage owned (StAA Dep. 70, Deichschoßhebungsregister, 1725–1727).

[59] StAA Rep. 4 C III b 51, vol. 1, "Specification der in der Stadt wohnenden Offenbahren Renitenten nebst Nachricht ihrer Vermögen," 25 July 1727. In Amt Leer, Emden burghers owned almost 1200 acres; see StAA Rep. 4 C III b 70, vol. 1, "Specificatio der jennigen Landen so nach Embden gehören," Leer, 17 June 1727.

[60] In the village of Wirdum, for example, the total number of franchise-conferring farmsteads declined from 28 in 1652 to only twelve in 1719, of which fully one third were in the hands of non-resident owners. See Engelbrecht, *Reformierte Landgemeinde*, 217–218.

social tensions within the village could be contained locally. In large parts of eighteenth-century East Frisia, this was no longer the case.

But the effects on mobilization of real-estate colonialism were not the whole story. Several recent studies have shown that in the late seventeenth and early eighteenth centuries, pressure was building among the non-enfranchised rural underclasses for better access to communal goods, such as common fields and pastures. As we have seen, only the *Hausleute* enjoyed free access to village commons. The economically more vulnerable small farmers and cottagers, by contrast, had to pay a pasturage fee (*Heuergeld*) that was set by the *Hausleute* and often went straight into their pockets.[61] Non-enfranchised groups were increasingly unwilling to accept these restrictions; and in a series of lawsuits before the territorial judicial tribunals, they justified their demand for equal access with appeals to "the common good" (*Gemeiner Nutzen*) and "ancient custom" (*altes Recht und Gewohnheit*). So severe were these conflicts that in 1660 they erupted into armed confrontation between *Hausleute* and cottagers.[62] They also transformed easily into demands for inclusion in communal decision-making. The sequence of natural disasters that began with the great flood of 1717 exacerbated these tensions and demands, devastating cottagers and small farmers, who found themselves compelled to sell their lands and goods to better-off farmers.[63] During the ensuing conflict for control over tax administration, the Estates confronted a prince clever enough to recognize a useful political tool in these intravillage tensions. The prince promoted the demands of non-enfranchised groups as a means of undermining Emden's dominance in the countryside. The thrust of these observations is to suggest that Emden patricians and the territorial Estates tried to involve everyone in political communication because they had to: the prince would if they did not. Before the *whole* rural population could be mobilized in the cause of *Libertät*, some of their demands would have to be met.

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[61] Anyone who gave up a house also forfeited the privileges it conferred. On this and the monopolization of village commons see Engelbrecht, *Reformierte Landgemeinde*, 48–49; and Koolman, *Gemeinde und Amt*, 42–45.

[62] Tieben, "Dörfliches Konfliktverhalten," 84–92.

[63] In the villages of Manslagt and Campen, for example, a small number of *Hausleute* were able to buy up most of the plots and cottages belonging to their poorer neighbors; Ute Jachens, "Wandel der Agrar- und Sozialstruktur in der Krummhörn vom Beginn des 17. Bis zum Ende des 19. Jahrhunderts," in Theo Meyer and Willem Kuppers, eds., *Als Friesen Preussen waren: Ostfriesland im 18. Jahrhundert—Aufsatzband* (Aurich: Ostfriesische Landschaft, 1997), 80–89.

And here we return to the basic conundrum that Emden patricians faced in all their struggles with the Cirksena princes. As in the early seventeenth century, the city had needed rural allies to prevail, but could win them only at the price of according them some role in public affairs. The city's alliance with village elites established independent farmer-producers as a corpus within the body politic. Similar social dynamics reappeared in the 1720s, only now the social and legal circumstances were different. Now communal representation was firmly in place; now it was not enough to rely solely on the support of *Hausleute*; and now Emden needed *all* rural folk, rich and poor alike, to join in defense of an established order that excluded all but the wealthiest few from a formal role in communal decision-making and corporative representation. With its more open structure, the United Districts served these purposes well. It remained only to beat the prince.

Conclusion

East Frisia's experiments with urban-rural alliances came to an abrupt end at a pitched battle near the village of Hage on April 5, 1727, when Danish troops in Georg Albrecht's service crushed the militia of the United Districts.[64] In the aftermath of their rout, the Estates' powers and privileges were trimmed; Emden lost its seat in the territorial diet; in the countryside, erstwhile "rebels" were deprived of political rights; and the Third Chamber was stacked with delegates who had proven their loyalty to the prince. Then in 1744, the last native dynast perished without an heir, and East Frisia was absorbed into the Prussian monarchy.[65] The Upstalsboom was dead: all that remained, as the geographer Friedrich Arends observed in 1824, were the stumps of three ancient oaks [Figure 5].[66]

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[64] For a detailed narrative of the Battle of Hage, see "Umständliche und wahrhaffte Nachricht von der an Seiten der Hochfürstl. Ostfr. Milice und der getreuen Berumer-Amts-Eingesessenen den 5tn April 1727 wider das sogenannte Emder-Stadt-Volck und deßen Anhänger, for dem Flecken Hage befochtenen herrlichen *Victorie*," StAA Rep. 38, 29, pp. 398–414.

[65] In this transition, Emden patricians played an important, facilitating role; see Carl Hinrichs, "Die ostfriesischen Landstände und der preußische Staat 1744–1756: Ein Beitrag zur inneren Staatsverwaltung Friedrichs des Großen," *Emder Jahrbuch* 22 (1961): 1–268.

[66] Friedrich Arends, *Erdbeschreibung des Fürstenthums Ostfriesland und des Harlingerlandes* (Hannover, 1824), cited in Tielke, "Upstalsboom als Gedächtnisort," 441.

Verlag von J. C. Poppinga, Leer.
Upstallsboom.
Gruss aus Ostfriesland.
Leer
In Ostfreesland is't am besten,
Over Freesland geit d'r nix!
War sünt wal de Wichter mojer,
War de Jungse wal so fix?
In Ostfreesland mag ik wesen,
Anders nargens leefer wesen,
[: Over Freesland geit d'r nix! :]
Nargens bleit de Saat so moje,
Nargens is de Buur so riek,
Nargens sünt de Kojen fetter,
Nargens geit de Ploog so liek,
Nargens gift so faste Knaken,
Weet man lekkerder to maken
Botter, Kees un Karmelkbree.
Nee, 't is nargens, nargens beter,
As war hoog de Dieken staan;
War up't Eiland an de Dünen
Hoog herup de Bulgen slaan!
War so lud de Nordsee builert,
War wie könen up de Dullert
Dreemast' Schepen fahren sehn.
War in d' Wagen Törf un Kienholt
Worden haalt van 't Hoormoor her;
War de ganze Welt sük lüstig
Maakt up't Is bi't Eierbeer;
War s' in't Feld mit Klooten scheeten,
War se Bookweitschubbers äten,
Harm up Freiers Foten geit.
För Ostfreesland, för Ostfreesland
Laat ik Blood un Leben geern!
Was 'k doch man weer in Ostfreesland,
War so mennig söte Deern!
In de Frömde wünsk ik faken,
Kun 'k doch Mooders Breepot smaken,
Sat 'k doch weer in't Hörn bi't Für.

Fig. 5. An *Upstalsboom* Postcard (used with permission of the Ostfriesische Landschaftsbibliothek).

What might have happened if the Battle of Hage had ended differently? Might East Frisia's experiment with general representation have laid the groundwork for a permanent democratization? There is no second-guessing the fact that the United Districts were a termporary expedient, designed to engage rural underclasses in the fundamentally conservative project of defending an established order of corporative representation and power in the territorial Estates. Neither Johann Spree nor Leo van Wingene would have tolerated a permanent regime in which the representatives of cottagers and day laborers could overrule the interests of their own patrician ilk. The verdict of outside observers was even more damning. For the most part, they dismissed the whole affair as a quaint throwback to long gone days of city-states and urban leagues, as an anti-modern revolt against more forward-looking, authoritarian forms of government.[67]

But we should not dismiss too quickly the significance of East Frisia's experiment. In creating the United Districts, Emden patricians assumed the risk that the social and political grievances of previously excluded groups could be harnessed effectively. As we have seen, those demands were already persistent before the crisis and increasingly difficult to contain locally. Then, during the summer of 1726, the United Districts began acting with unruly independence, asserting powers to tax and to muster village militias (which suited the Estates fine); to administer justice in the absence of functioning tribunals (which did not); and to oversee the maintenance of dikes and sea-walls—a public function on which the very survival of all East Frisians depended. At one point, the United Districts had even attempted to negotiate a settlement between the Estates and Georg Albrecht.[68] We can only guess what new alignments and conflicts a victory over princely "tyranny" might have generated. But if the United Districts' assertiveness was any indication, Leo van Wingene was right to worry.

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[67] See Michael Hughes, *Law and Politics in Eighteenth Century Germany: The Imperial Aulic Council in the Reign of Charles VI* (London: Boydell Press, 1988).

[68] Kappelhoff, *Absolutistisches Regiment*, 282, 336–343.

SUCCESS AND FAILURE: REFLECTIONS ON THE EFFECTIVENESS OF EARLY MODERN POOR RELIEF IN THE ORPHANAGES OF AUGSBURG

Thomas Max Safley

Johann Georg Rumpelt wanted to be a form-cutter (*Modelschneider*).[1] Augsburg's calico-printing industry was booming in the eighteenth century, and the demand was high for skilled laborers to shape the dies, used to imprint patterns on the light-weight cotton cloth.[2] No less than 16 orphans—all Lutheran—apprenticed as form-cutters between 1648 and 1806. Orphans were supposed to be placed according to their own inclination (*Lust und Liebe*), which begs the question of Johann Georg's choice. Perhaps he learned something of this employment from his father, the weaver Georg Philipp Rumpelt, who died in 1754, when his son was 13 years of age.[3] Perhaps he displayed a particular talent for the craft during a probationary period of work and instruction under the direction of master form-cutter Augustin Denckwitz. Whatever his inspiration, Johann Georg "demonstrated a particular desire to learn the…profession," and so was apprenticed to Denkwitz in 1760.[4]

A contract fixed the terms of Johann Georg's training. His master promised over a 5 year period to instruct him in all aspects of the craft so that he might earn his living with honor.[5] In return, the Alms Office

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[1] AEK (Archiv des evangelischen Kinderheims) Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[2] P. Fassl, "Wirtschaft, Handel und Sozialstruktur, 1648–1806," in G. Gottlieb et al., eds., *Geschichte der Stadt Augsburg. 2000 Jahre von der Römerzeit bis zur Gegenwart* (Stuttgart, 1984), 468–80.

[3] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 125. Rumpelt, 16 December 1754.

[4] "…weilen er einen besondern Lust bezeuget, die Modelschneider-Profession zu erlernen…." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[5] "…nach seinem besten Wissen und Gewissen getreulich anführen auch im Zeichnen, Schneiden, und allem was zu diser Profession gehörig, dermassen informieren und weisen wolle, daß er nach ausgestandner Lehrzeit die Modelschneider-Profession also begriffen haben solle, daß er mit Gott und Ehren sein Stücklein Brod selbst verdienen und in der Welt ehrlich fortkommen können." Ibid.

would pay the master an apprenticeship fee of fl. 30 in 3 installments, fl. 10 at the outset, fl. 10 after 30 months, and fl. 10 upon completion. They would share the burden of material necessities: the master would provide the apprentice's board; the Lutheran Orphanage would provide his clothing. The parties further agreed, in consideration of Johann Georg's "bad condition," that the Orphanage would provide a bed and bedding for his use during his apprenticeship.[6] Finally, Johann Georg pledged to learn his craft thoroughly, to conduct himself honorably and to obey his master dutifully.[7] All parties, including the orphan, bound themselves contractually to the successful completion of the training. It was an exercise in joint labor-market regulation.

In Johann Georg's case, things did not turn out exactly as expected. On 19 February 1762, about 2 years into the apprenticeship, Master Denckwitz complained that Johann Georg "has been so misled by his brother that I finally see myself compelled to my greatest loss to let him go."[8] He does not say how the brother misled his apprentice, nor does he indicate the nature of his loss. The Lutheran Orphanage resolved the matter, however. Within 6 months, its administrators apprenticed Johann Georg to his brother, the form-cutter Daniel Christoph Rumpelt, to complete his training in the craft under the same terms as applied previously.[9] This he did. On 9 December 1765—that is, on time as scheduled—Johann Georg finished his apprenticeship and received his settlement (*Ausfertigung*), the suit of clothing that marked the journeyman.[10] Two years later, he applied for and received his property, the fl. 16 kr. 40 inherited from his father. With that, he disappeared from the Orphanage's record.

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[6] Upon admission to the Lutheran Orphanage, the boy was noted as being lame in both feet "but otherwise healthy and well." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[7] "…dise seine Lehrzeit über um so mehr wegen seiner schlechten Leibes-Constitution, bestens sich befleißigen solle, nach allem Vermögen solche wol anzulegen, sich jederzeit fromm. züchtig, Gottsfürchtig, wie auch getreu und redlich aufzuführen, böser Gesellschaft sich entshlagen, anbey seinem Lehrmeister mit allem schuldigen Gehorsam zubegegnen, und sich in allen Stücken also zu verhalten, wie es einem jungen Menshen wol anstehet und gebühret." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[8] "…ist von seinem Bruder so verführet worden, daß ich mich endlich gezwungen gesehe, ihm mit meinen grösten Shaden, den 19ten Febr. 1762 wegzushaffen." Ibid.

[9] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 20 August 1762.

[10] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 125. Rumpelt, 16 December 1754.

Johann Georg poses what should be a fundamental question about charity, poor relief, or social welfare, one that accompanies the oft-discussed problem of intention, that is, the question of efficacy, the extent to which it met the goals set for it. Did Augsburg's orphanages make a difference to orphans as individuals, to the laboring poor as a group, or to society as a whole? Orphanage administrators probably considered Johann Georg a success. Despite a physical impairment that could easily have prejudiced his future, he passed through the orphanage without noteworthy incident. He found a trade and, with one slight detour, made his way from apprentice to journeyman.[11] Once a wage-earner, he collected his property, passed from the purview of the administrators, and never returned, unlike many orphans who experienced troubles and called upon the orphanages later in life.

What exactly were the orphanages of Augsburg trying to achieve? The City Orphanage made its goal clear from the very beginning; "truly to instruct and bring the children to the fear of God, to prayer, also to work and to all good virtues."[12] Nor did they stray from their intention over the following 235 years, despite confessional infighting and institutional restructuring. If anything, practice gave contour to principle. The fear of God involved not merely piety in religious observance but submission to what was understood to be a God-given social order. Work extended beyond the holding of a job that provided a self-sufficient income to a lifestyle consistent with the opportunities and limits that income provided, that is, a *Nahrung* in the fullest sense.[13] Here, then, were standards, virtually unaltered from the sixteenth to the nineteenth century, by which to measure the efficacy of these early modern orphanages and the success of individual orphans.

It is possible to argue beyond the authorities—the administrators of the city's poor relief and orphanages—to the community of Augsburg as a whole. For the burghers of the city, the very existence of institutions

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[11] Bear in mind that only 25 percent of surviving orphans changed masters or trades during the course of their probation or apprenticeship. The rest persisted until their training was complete. Johann Georg belongs therefore to a minority of orphans who changes situations for one reason or another. His transfer had little effect on the intended outcome.

[12] "…weliche die kinder zu der forcht gottes, dem gepett, auch zur arbaitt, und allen gueten thugeten trewlich underwisen unnd leerten…." StadtA (Stadtarchiv) Augsburg. Reichsstadt Akten. Almosenamt. Waisenhäuser 10. Ain ungeferlicher Überschlag was ain Waisenhauß darinnen 200 kinder erhalten mochten werden jerlich kosten möcht, 1572.

[13] For a discussion of *Nahrung*, see T. Safley, *Expectation and Experience among the Orphans of Early Modern Augsburg* (Leiden, 2005), c. 8.

that delivered parentless children from neglect and provided them with shelter was itself a success. Its orphanages exemplified the city's unquestioned responsibility to care for the poor. Who the poor were and how best to assist for them were certainly considered, debated, and amended in the course of the early modern period. That poverty must be relieved, however, was never doubted or even discussed. It was a duty, both sacred and secular, to which cities like Augsburg devoted considerable resources, both human and material. The Alms Office and the orphanages under its supervision relied on a shifting combination of state subventions, private donations, and endowment earnings to underwrite their operations.[14] Subventions, which are a measure of the city's commitment to the care of its orphans, rose steadily from the seventeenth to the early nineteenth century, regardless of short-term fiscal crises. Donations, which likewise reflect a sense of obligation among private burghers to this form of charity, declined only in times of intense economic or political instability and remained otherwise a stable, important source of support. Interesting confessional patterns arose over time: Lutherans donated more private means to the Lutheran Orphanage than did Catholics to the Catholic Orphanage; Catholics relied on the assistance of ecclesiastical foundations to a greater extent than could Lutherans. Yet, the orphanages became the largest single items in the budget of the Alms Office, costing more than any of its other charitable or social services. Administrators frequently questioned their economy but never their necessity. It might be argued that the care of orphans became the most important charitable activity in early modern Augsburg, based simply on the city's financial commitment. Merely providing for orphans reflected, therefore, the city's sacred and secular stature, its standing as a pious and politic community. The outcome in any individual case would have been beside the point, a thing between God and the orphan. Fundamental support from the community and the commitment that inspired it never wavered, not once in over two centuries.

It is also necessary to consider the orphans themselves, whether they conceived of their care and its results in terms of success or failure. Did Johann Georg consider himself a success merely because, as orphanage records suggest, he no longer troubled the authorities?

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[14] For a complete discussion of orphanage finance, see Safley, *Charity and Economy in the Orphanages of Early Modern Augsburg* (Atlantic Highlands, 1997), 79–112.

What, for instance, can be made of Jeronimus Eberhart? The orphaned son of an impecunious schoolmaster, he entered the City Orphanage in 1607 with fl. 20 to his name.[15] In 1616, orphanage administrators acknowledged the boy's intellectual gifts by sending him to the Lutheran Collegium bei St. Anna to study at an annual cost of fl. 12 kr. 19, an expense borne by the orphanage and not drawn from Jeronimus' inheritance. It was a mark of distinction in more ways than one. The overwhelming majority of orphans were destined to work with their hands or their backs instead of their brains. They got a basic education in reading, writing, and reckoning, followed by a craft apprenticeship or domestic service. A handful of orphans, no more than 20 out of 5,734, admitted to the orphanages between 1572 and 1806, received what might be called special schooling of any sort. A few were placed in music schools. A few were placed in merchant chanceries. A few were placed in preparatory schools, like St. Anna or St. Salvador. Jeronimus was one of these. After 5 years of study, in which Jeronimus likely acquired a facility in Latin and Greek, he moved on to the evangelical university at Tübingen. There he applied himself to his studies and earned his Magister Artium after 2 years, in 1623. Perhaps he became an evangelical pastor; the "Orphan Book" does not say. Orphanage administrators—Lutherans to a man at the time—must have been pleased with the orphan's trajectory. But was he? Though he might have been a scholar by inclination as well as ability, his studies must have isolated him in certain ways. They cut him off from his housemates and playmates in the orphanage. They separated him from others of his social strata, insofar as a university education remained very much an elite prerogative in the seventeenth century. Finally, they initiated a process of social mobility—of advancement—that was very much at odds with the assumptions and limitations of a hierarchical society, a society predicated upon birthright and stability. All of these considerations might affect an orphan's satisfaction, understood in terms his or her acceptance of the life provided by the orphanage, the resulting sense of connection to or solidarity with the orphanage, and the resulting sense of integration into the community. Orphanage officials were committed to finding work for each and every orphan *nach lust und liebe*, according to his or her abilities and inclinations.[16]

[15] StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 22. Waisenbuch, 1580–1676. Eberhart, 24 May 1607.

[16] See the discussion of out-placement in Safley, *Expectation and Experience*, c. 8.

How often they actually managed this feat, which bore a direct relationship to the orphan's stability and persistence, is another measure of "efficacy" and "success."

Like Johann Georg, the majority of Augsburg's orphans, 75.8 percent of those orphans who survived the orphanages and 47.4 percent of all orphans, entered the city's labor force. This is not merely a success but rather an extraordinary success. The lack of consistent statistics before the late-eighteenth century—to say nothing of differences in local circumstance and policy—makes comparisons difficult. Yet, such fragments as exist suggest that the experience of the laboring poor was persistent marginality and mobility. Among early modern artisans generally, the short duration of employment and the cyclical nature of the economy assured a life spent predominantly at risk and on the road. In France, fewer than 20 percent were born in the towns in which they worked and the usual duration of their employment can be measured in days or weeks rather than months or years.[17] Early modern poor relief generally failed—did not, in fact, intend—to provide the needy with a *Nahrung*, that is the steady means to support themselves and a fixed place in the social hierarchy. The *Pia Casa* in Milan, for example, released 319 foundlings in 1842, only 12.1 percent of the number admitted, a far higher mortality rate than among Augsburg's orphans at all but the worst of times, because its law required that support of these young people cease and that they find their own employment at age 15.[18] It did nothing to assist them after their release. The Orphanage of Pforzheim in Baden, Germany, which functioned as an omni-competent institution throughout the eighteenth century, admitting not only orphans but a wide range of needy persons, likewise released its children to find service or employment on their own at age 14.[19] Over the course of the fifteenth century, "adoption and apprenticeship accounted for a smaller share of the disposition of children" in Florence's *Ospedale degli Innocenti*.[20] Similarly, the *hôpitaux généraux* of seventeenth- and eighteenth-

[17] M. Sonenscher, *Work and Wages: Natural Law, Politics and the Eighteenth-Century French Trades* (Cambridge, UK, 1989), 295–327.

[18] V. Hunecke, *Die Findelkinder von Mailand. Kindsaussetzung und aussetzende Eltern vom 17. bis zum 19. Jahrhundert* (Stuttgart, 1987), 124–25.

[19] B. Stier, *Fürsorge und Disziplinierung im Zeitalter des Absolutismus. Das Pforzheimer Zucht- und Waisenhaus und die badische Sozialpolitik im 18. Jahrhundert* (Sigmaringen, 1988), 56–69.

[20] P. Gavitt, *Charity and Children in Renaissance Florence: The Ospedale degli Innocenti, 1410–1536* (Ann Arbor, 1990), 226.

century France "embodied *un projet du grand renfermement des pauvres*" and, where orphans were concerned, provided employment in-house but not placement in the economy.[21] Augsburg would seem to have pursued a singular course in the care of its orphans.

The singular success of Augsburg's orphanages must be tied directly to the administrator's notion of *Nahrung*. By making it the goal for each and every one of their charges, orphanage administrators provided them with the discipline and training necessary to work and with the social and economic means to persist. Thus, the orphanages of Augsburg contributed substantially to the organization of the city's labor market, simultaneously providing laborers, regulation, and discipline. The laboring poor could, of course, appropriate the term for their own purposes. It was taken up as a means to indicate one's own livelihood and advantage, for example, by the artisan who innovated in his craft or profited in his trade through defiance of guild regulations and at the expense of his peers and competitors. Yet, when it served their purposes, they could also seize upon the notion as promoted by the authorities, an exercise in instrumental reasoning albeit in a somewhat different key. This sense of *Nahrung* as a combination of economic self-sufficiency and social place was built into the apprenticeship contracts that shaped the futures of orphan boys. As noted, the responsibilities of all parties were specified in some detail: the master provided instruction; the orphanages provided funding; the apprentice provided his effort. Likewise, the needs of the orphan were furnished: clothing, food, and shelter were the joint obligation of master and orphanage. These terms created a network of obligation and authority that provided its beneficiary with the stable employment and place that were at the heart of *Nahrung*.

This essay takes up the fates of orphans such as Johann Georg Rumpelt or Jeronimus Eberhart in order to ask the question of success and to determine its meaning. It acknowledges the complexity of the issue, its multiple aspects and perspectives. The goals of the institution, the support of the community, and the satisfaction of the poor must all be considered in any discussion of the "efficacy" or "success" of poor relief. To what extent did the institutions fulfill their mission to discipline and train the poor? Measures of admission, survival, placement, and persistence need to be devised. To what extent did the citizens

[21] O. Hufton, *The Poor of Eighteenth-Century France, 1750–1789* (Oxford, 1974), 139–59.

underwrite and accept this process? Financial and political assistance need to be assessed. To what extent did orphans embrace the process and its outcome? Indications of acceptance and rejection need to be considered. In the interests of time, it cannot address them all. So it examines one: how orphans left the orphanages and entered that network of obligation and authority. The concepts that accompanied them and the arrangements that sheltered them may offer new insights into the success of Augsburg's orphanages.

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In the matter of providing the laboring poor with a *Nahrung*, Augsburg's orphanages achieved a high efficacy. Most orphans, who survived the rigors and risks of institutional life, passed into the economy and society of the city. They became wage laborers. They settled in Augsburg. They caused no difficulties. The orphans would be considered economic and social successes, especially when compared to the image and reputation of the undeserving, able-bodied poor. These results were not a matter of happenstance. Orphans were "selected" carefully. After all, they had to be the children of burghers, many of whom had already achieved a certain social competency in their own right. The orphans of Augsburg were not masterless young people, but rather were firmly tied to the community. They often had kin, friends, or associates to assist them. They often had property to help pay their way. None of this prevented the desperate or disreputable from finding a place in the orphanages, but it meant that many orphans possessed social or economic means that made their eventual "success" more probable. Once inside, the orphans were subjected to a strict disciplinary regimen that helped prepare them to achieve a social competency of their own. Boys and girls alike were educated, trained, and accustomed to work and to obey, ideal characteristics for future wage laborers. Finally, they were placed and supported in lives of labor in such a way that their individual success—and therewith the orphanages' efficacy—were rendered highly probable. The result was a sedentary labor force that seems to have had more in common—qualitatively and quantitatively—with factory workers than with tramping journeymen. The figures bear it out.

Of the 5,734 orphans admitted to the orphanages between 1572 and 1806, a total of 2,281 died, some 39.8 percent, but a further 2,720, or 47.4 percent, lived long enough to enter a service or trade. Only 12.8 percent may be said to have failed institutional expectations. Certainly, few opted out of the orphanages' regimes and their

expectations. Among those orphans who survived the orphanages to be placed in a trade or service, 867, or 15.1 percent, failed for one reason or another to complete their period of training or probation.[22] There were no confessional distinctions. Lack of persistence was not a Catholic characteristic, *pace* Weber. Some struggled, it is true. Only 475, 8 percent of all orphans and 17 percent of those placed, tried 2 or more masters and/or crafts before settling into one. But settle the majority did. There were few who steadfastly rejected what the orphanages required and offered. Only 165 fled the orphanages or their masters: only 65 from the City Orphanage, 71 from the Lutheran Orphanage, and 29 from the Catholic Orphanage, no more than 2.9 percent of all 5,734 Augsburger orphans.[23] There were few orphans who rejected the very notion of a *Nahrung* or understood it in very different terms. Some entered the military, an ambiguous profession. Others became vagrants or criminals. Still others were released into households or transferred to institutions. Among all surviving orphans, the majority settled into their first employment without recorded incident. No less than 82.5 percent of all those orphans remained in the employment of the masters to whom they were first indentured, a strong indication that preferred employment became, in fact, persistent employment. A small proportion of orphan apprentices, 475 of 2,720 or 17.5 percent, changed masters or crafts once or more before completing their period of probation or training. Less than 5 percent of the orphans, who survived the orphanages, obviously and immediately failed to find stable employment at. Of those who found trades and completed training, whether in workshops or households, most appear to have settled in the Augsburg.[24] Thus, most of the city's orphans reentered the city's economy.

Negotiating employment was a step, though not the first step in this process. Before anything else, the apprentice had to select a trade and

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[22] No other early modern institution, insofar as studies permit comparisons, seems to have matched this rate.

[23] The difference in the number of absconding Catholic and Lutheran orphans is difficult to explain. Seen as a proportion of the total number of orphans, the discrepancy is somewhat less striking: 2.5 percent in the City Orphanage; 2.2 percent in the Catholic Orphanage; but 3.9 percent in the Lutheran Orphanage. Still, Lutheran orphans demonstrated a greater propensity to flee house or workshop.

[24] This conclusion is based on applications for release of property. Augsburg's orphanages held and managed the property of orphans until such time as they requested its return. This usually happened at some point after the orphans left the orphanages' care and always included a note about the orphan's place of residence, to which the funds would be sent.

a master. As his contract suggests, Johann Georg Rumpelt became a form-cutter "because he demonstrates a particular desire (*besondern lust*) to learn the form-cutting profession, to the further promotion of his temporal well-being has allowed himself to be well inclined to indenture and entrust (*übergeben*) himself for five years to the skilled (*kunsterfahrnen*) Augustin Denckwitz, resident and form-cutter [in Augsburg], to learn the form-cutting art."[25] What does this passage actually say? Somehow an orphan became aware of a trade not generally as an abstract means to earn a living but particularly as a concrete means to enter a craft and a community. As noted, Johann Georg may have learned something of form-cutting or of calico-printing from his late father. He may also have learned some of the elements of the craft and developed a sense of his place within it during a probationary period of wage-labor in the Denckwitz workshop. Yet, there was more to this decision than the acquisition of knowledge, a result of exposure and experience. Johann Georg developed an inclination toward this particular craft. His was an attachment based on aptitude and emotion. Form-cutting was not merely something he could do but more something he wanted to do and to do well. A genuine inclination promised chronic persistence. The authorities grasped this correlation. It became the fundamental principle of orphanage out-placement.

More accurately put, it became a fundamental principle of out-placement for young men. What of young women? No less than 2,666 orphans were female, 46.5 percent of the total population in Augsburg's orphanages. Of this number, only 890 were placed, of whom 821 remained in their first situation.[26] These situations did not involve craft apprenticeships. Employment for young women was strictly limited: 853 orphan women—95.8 percent of all orphan women placed—entered domestic service; the remaining 37 found a trade, most as seamstresses. That is all. Even those trades traditionally thought open

[25] "…weilen er einen besondern Lust bezeuget der Modelshneider-Profession zu erlernen, zu weiterer Beförderung seiner zetilichen Wohfahrt sich hochgeneigt belieben laßen, dem kunsterfahrnen Augustin Denckwitz, beysitzer und Modelshneider allhier, um die Modelshneider-Kunst zu erlernen, auf 5 Jahr aufzudingen und zu übergeben.…" AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[26] This number must have been higher; it appears to suffer from probable under-reporting by the Catholic Orphanage, which recorded on 22 female orphans placed between 1648 and 1806. This compares with 456 women placed from the Lutheran Orphanage in the same period.

to women—foodstuffs, healthcare, and hospitality—were in fact closed to Augsburg's female orphans.[27] None were placed in them.[28]

Preference, so essential to the successful employment of young men, played no role in the placement of young women. The earliest regulations prescribed the same treatment for male and female orphans.[29] They received the same shelter, diet, and education. They followed the same daily routines. They left the orphanages in much the same manner as well. When they were of proper age, they were to be examined in order to assure that their behavior was proper, that their disposition was honorable and that their rearing in the orphanage had been successful. The orphan father and mother would see to their placement and inquire periodically about their service. If orphans, whether male or female, failed to give satisfaction, then higher authorities were to be informed. Yet, a consideration of preference was to be limited to young men, as the same ordinances made clear.[30] Indeed, young women could

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[27] The historiography on women's work in late medieval and early modern Europe is vast. For an overview, see S. Cahn, *Industry of Devotion: The Transformation of Women's Work in England, 1500–1660* (New York, 1987); A. Clark, *The Working Life of Women in the Seventeenth Century* (London, repr. 1982); B. Hanawalt, ed., *Women and Work in Preindustrial Europe* (Bloomington, 1986); D. Herlihy, *Opera Muliebra: Women and Work in Medieval Europe* (New York, 1990); B. Hill, *Women, Work and Sexual Politics in Eighteenth-Century England* (Oxford, 1989); M. Howell, *Women, Production, and Patriarchy in Late Medieval Cities* (Chicago, 1986); S. L. Kaplan & C. J. Koepp, eds., *Work in France; Representations, Meaning, Organization, Practice* (Ithaca, 1986); M. E. Perry, *Gender and Disorder in Early Modern Seville* (Princeton, 1990); I. Pinchbek, *Women Workers and the Industrial Revolution, 1750–1850* (New York, 1930); K. D. M. Snell, *Annals of the Labouring Poor* (Cambridge, UK, 1987); L. A. Tilly & J. W. Scott, *Women, Work, and Family* (New York, 1978); M. E. Wiesner, *Working Women in Renaissance Germany* (New Brunswick, 1986).

[28] Again, as with male apprentices, it is impossible to determine why. The reasoning that may have contributed to the expression of preference is not recorded.

[29] "Wann dann fürs achte die Kinder also wohl erzogen, zu Diensten oder Handtwerckhen gethan seÿn, sollen sie auch ihres Verhalten in Obacht genommen und gesehen werden, daß sie in gutem erbarn Wandel verharren, und ihre Aufferziehung im Weysen Hauß wohl angelegt zu seÿn, beÿ ihnen ersheine, und so viel die Lehrnung beÿ Handwerckhern betrift, daß das Geld nicht vergeblich für sie ausgegeben werde, an ihnen nichts zu verabsäumen, zu welchem Ende beÿde respective Vatter und Mutter monthl. beÿ denen samtl. dieser Weysen Kinder Herrshafften und Meistern die behörige Nachfrag ihres Verhaltens thun, und in Übelverhaltungsfall solche den Herrn Deputierten anziegen, auch die Mägdlein, da sie entweder ihres Dienst entlassen, oder sie selbsten dieselbe aufgeben und andere annehmen wolten, shultig sein sollen." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 1. "Instruction für den Weysen Vatter und Mutter," 11 May 1721.

[30] "…die Jugend in einem, und anderm zimmlicher massen aufferzogen, unterrichtet und erwachsen, zu Herrn oder Frauen diensten, Item Handtwerckhen zu lernen Lust und Liebe haben auch tauglich zy seyn erkandt werden, Solle es den Herrn

not even choose in which household they might serve. Householders in need of servants had to approach the authorities. Once in service, female orphans spent a 2-year period on probation, during which they reported to the orphanage weekly. Each was to be a model servant: "…conduct herself loyally, industriously, modestly, and piously and take her concerns to her confessor."[31] If she misbehaved, fled, or married, her right to the orphanage's support was forfeit, a rule observed most often in the breach. If she behaved and persisted, she would receive a settlement (*Ausfertigung*) like her male counterparts, the sign of a wage laborer. Their rights and responsibilities, whether as household members or as wage laborers, might have been no different from those of an apprentice, but female servants enjoyed neither the legitimation nor the protection of a legal contract. The "Orphan Books" testify nonetheless to the city's concern for these young women, even as they entered a wider world. The orphanages provided them clothing on a weekly basis, health care at need, shelter in cases of abuse, and new employment after dismissal. And they provided each of them a settlement upon successful completion of probation. The goal for young women, no less than for young men, was to find persistent employment and an honorable place. Yet, it was *Nahrung* with a difference. A woman's employment would be temporary, and her place would be in the home. Given the permanent state of dependency, prescribed for women, preference remained a male prerogative.

Establishing a boy's preferences, his "desire and love" (*Lust und Liebe*) was no easy task. Augsburg's orphanages began the process with an assessment of the child. A 1721 directive stated explicitly that "the youths who were recognized to be sufficiently raised, instructed, and grown and to be suited and have the desire to enter service or a craft should be shown to the deputies, who will make suitable arrangements for their placement."[32] This merely codified a process, based on certain

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Deputierten beyzeiten angezeigt und sie dessen gehorsamlich berichtet werden, damit sie weiter Verordnung mit anderwärtiger Unterbringung Solcher im Weysen-Hauß erzogene Kinder verfüegen und vornehmen können." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 1. "Instruction für den Weysen Vatter und Mutter," 11 May 1721.

[31] "…sich treu, fleissig, verschwiegen und fromm auffuhren und mit ihrem Anliegen sich an ihrem Herrn Beichtvvater zuerst halten." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XVI, §6.

[32] "…die Jugend in einem, und anderm zimmlicher massen aufferzogen, unterrichtet und erwachsen, zu Herrn oder Frauen diensten, Item Handtwerckhen zu lernen

rules of thumb that were as old as the orphanages themselves. First communion constituted the boundary of suitable age and instruction, the point at which orphans were sufficiently strong physically and spiritually to leave the shelter of the orphanage and to enter the world of work and its associated world of temptation.[33] At that time, the orphan father examined the young men in his charge to determine their abilities and preferences. Once he had rendered his report, higher authorities took it upon themselves to locate an appropriate position. The "Orphan Books" record no young men, placed in defiance of their preferences; regulations specifically forbade it.[34] When these regulations were ignored or violated, the costs were immediately apparent. Tobias Schuester's apprenticeship to the turner, Leonhard Mayr, ended after only four months, before he was returned to the Catholic Orphanage with the master's tart observation that the boy was unable to learn the trade.[35] The orphan father noted that the boy had always wanted to be a tailor. Had his wishes been observed, needless frustration and expense might have been avoided. Not surprisingly, therefore, preference played an important role in orphan employment.

Reliable preferences required reliable information. This was not easily acquired in Augsburg, neither by parents on behalf of their children nor by the authorities on behalf of orphans. Its manufactories were extensive, both highly specialized and highly complex, throughout the early modern period.[36] Yet, it possessed no central marketplace for labor, like the Place de Grève in eighteenth-century Paris, to help those seeking employment find those seeking employees. Private knowledge or personal experience were the best sources of employment information. Word of mouth was a likely means. A master might inform the

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Lust und Liebe haben auch tauglich zy seyn erkandt werden, Solle es den Herrn Deputierten beyzeiten angezeigt und sie dessen gehorsamlich berichtet werden, damit sie weiter Verordnung mit anderwärtiger Unterbringung Solcher im Weysen-Hauß erzogene Kinder verfüegen und vornehmen können." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 1. "Instruction für den Weysen Vatter und Mutter," 11 May 1721.

[33] "…auch um der von allzu großen Knaben zu besorgenden Unordnungen willen hinfüro keiner der bereits comunciert hat und gesund ist länger mehr im Waisenhaus gedultet werden." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus, 12. Waisenhausordnung, 1780. Articulus XV, §1.

[34] "…lust und lieb haben und tauglich sein mögen…." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Instruction für beide Waisenhäuser, s.d., s.a.

[35] StadtA Augsburg. Reichsstadt Akten. Almosenamt. Katholisches Waisenhaus 27. "Waisenbuch," 1653–1785. Schuester, 1 October 1761.

[36] See the discussion in T. Safley, *Charity and Economy*, 212–15.

authorities that he was in need of an apprentice and willing to take on an orphan. The authorities might turn to familiar figures. They maintained long-term relations with certain, proven masters to whom they regularly apprenticed orphans. Direct exposure could play a role, too. A father's employment might inspire his sons; working at his side in his shop might be their first experience of labor. This continuity, if it existed at all, did not survive the orphanages. Very few of those orphans who were eventually apprenticed, learned the craft of their fathers. If anything, it seems, orphans appear to have made a concerted effort to avoid following in their fathers' footsteps.[37] More effective was the work regime of the orphanages. In addition to being exposed to the rhythm and discipline of work from the moment they entered the orphanage, orphans supplemented their means and broadened their horizons as wage-laborers in various workshops around the city. Johann Georg Rumpelt chose his craft on the basis of such experience, and he was not the only one. Thus, the orphanages functioned as labor agencies, providing information and experience to those in need.

Finally, an orphan's preference was not necessarily a matter of free choice. Augsburg authorities sought to influence individual preferences without violating them. The Orphanage Ordinance of 1780 made this explicit. "All [orphan] boys, who wish to learn a craft, who are healthy and clean, and who have received communion," should be apprenticed.[38] Each may learn the craft or profession he pleases, but "the directors (*Vorsteher*) should be concerned over time to turn their inclinations toward something in the common good (*etwas gemeinnutziges*) and appropriate to their talents and abilities."[39] The only crafts explicitly forbidden to orphans were those which required the orphans to provide their own bed and board, an attempt to move away from the kind of agreements reached among Augustin Denckwitz, the Lutheran Orphanage, and Johann Georg Rumpelt. The orphanages would pay fees and

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[37] Why cannot be determined. The surviving record contains no information about the reasons behind orphan preferences.

[38] "…alle Knaben, die ein Handwerk zu erlernen Lust haben, gesund, rein, und zum ersten Mal beym heiligen Abendmahl gewesen sind…." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §1.

[39] "…doch werden die Herrn Vorsteher dran seyn, ihre Inclination inZeiten auf etwas gemeinnutziges, ihren Talenten, Leibes und Seelen-Kraften angemessenes zu richten." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §2.

provide clothing; anything more created an unacceptable financial burden.[40] The more important restriction, however, was the directive to seek something in the common good. The ordinance never defined the term but rather treated it as something self-explanatory. It seems reasonable to assume that the common good would be served by any craft that provided an orphan with training and employment, consistent with the stated goals of the orphanages. These had not changed since 1572: "to teach and instruct the children in piety and prayer, also in work and all good virtues."[41] In other words, employment that served the common good and was consistent with institutional objectives had to provide orphans with a *Nahrung*, it had to make them self-sufficient while at the same time setting them within relationships of obligation and authority, making them economically productive and giving them a social place. Nor did the ordinance explain how the authorities were to shape orphans' preferences. In addition to such work experiences as the houses could provide, a degree of moral suasion was probably involved, especially if boys showed an inclination toward frivolous employments or, worse, no employment at all. They could seek their own masters, alone or with the guidance or relatives, guardians, or friends. Still, "the chosen master had to be known to the directors not only as honorable and upright but also as an experienced and skilled in his profession, [one] who has both the ability and the desire to teach his craft thoroughly and well to a poor orphan."[42] To meet these requirements, a master had to appear before the weekly meeting of orphanage directors and undertake to teach his apprentice-to-be for a period of probation. Clearly, the directors had many opportunities to influence preferences of craft and master.

Once preferences were determined, the actual negotiation among master, orphanage, and orphan could begin. This process, like preference,

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[40] StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §3.

[41] "...weliche die kinder zu der forcht gottes, dem gepett, auch zur arbaitt, und allen gueten thugeten trewlich underwisen unnd leerten...." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Waisenhäuser 10. "Ain ungeferlicher Uberschlag was ain Waisenhauß darinnen 200 Kinder erhalten mochten werden jerlich kosten möcht," 1572.

[42] "...jedoch muß derselbige den Herrn Vorsteher anständig und als ain rechtschaffener nicht nur sondern auch als ein seiner Profession wohlerfahrener Mann bekannt seyn, daß er beydes, die Gabe und den Willen haben werde einem armen Waisen sein Handwerk grundlich und wohl zu lehren." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §4.

remains largely invisible. Apprenticeship contracts, which are the sole surviving records, capture only the results and only in certain cases. Masters in crafts without guild organization—including apothecaries, copperplate engravers, wire makers, art painters, silk weavers, and dye cutters such as Augustin Denckwitz—had to enter into contractual obligation. Guilded crafts were exempt from this requirement, probably because guild regulations bound the master to certain standards of conduct in the matter of apprenticeship and because the guild structure provided a means of redress in the case of violations. As a result, the majority of apprenticeships left no record other than the orphan father's lapidary summation in the "Orphan Book": "4 March 1760, Johann Georg Rumpelt indentured to Augustin Denckwitz, resident and dye-cutter for 4 years at fl. 30."[43] Only 25 contracts, all from the eighteenth century, specify conditions or terms.

The masters agreed to teach. Their responsibilities were neatly summarized: "to teach their craft thoroughly and well to a poor orphan."[44] The first clause laid out the extent of this activity, if not more exactly, then in more admonitory terms: "First, the aforementioned Augustin Denckwitz promises in the most binding manner possible that he will truly teach Johann Georg Rumpelt, who has been entrusted to him as an apprentice, the drawing, cutting, and all other matters belonging to the profession to the best of his ability and conscience and to such an extent inform and guide him that by the end of his apprenticeship he will have grasped the dye-cutting profession in such a manner that he can earn his bread and make his way in the world with God and honor."[45] Though the standard formula in all surviving contracts, the emphasis on a craft education that would render the apprentice capable of supporting himself and making his way in an upright and accept-

[43] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 125. Rumpelt, 16 December 1754.

[44] StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §4.

[45] "Erstlich verspricht und obligiert sich erstgemeldter Augustin Denckwitz zum verbindlichst als es immer seyn kan und mag, daß er den zu einem Lehrjung ihm anvertraut J.G. Rumpelt nach seinem besten Wissen und Gewissen getreulich anführen auch im Zeichnen, Schneiden, und allem was zu diser Profession gehörig, dermassen informieren und weisen wolle, daß er nach ausgestandner Lehrzeit die Modelschneider-Profession also begriffen haben solle, daß er mit Gott und Ehren sein Stücklein Brod selbst verdienen und in der Welt ehrlich fortkommen können." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

able manner underwent subtle changes over the course of the century. Earlier contracts placed somewhat more emphasis upon the moral—as opposed to artisanal—components of training. The silverplate engraver Daniel Mayr, for example, promised to teach Michael Kaufer not only "his art and profession in all parts and with all foundations" but also to bring his apprentice to all good things, especially to true piety and an honorable manner."[46] This moralizing responsibility gradually passed out of the language of apprenticeship contracts, which became increasingly secular in tone, if not intent.[47] Gotthilf Jacob Sikel, a silk manufacturer, agreed to teach his trade to Martin Matthäus Geiger "to the best of his knowledge and conscience," and "to neglect nothing that would serve [his apprentice's] good as befits am upright master."[48] If the specific wording of a very few contracts is to be believed, the duties of a master changed. They contracted to train an artisanal laborer, not to raise a model subject or citizen. By the early nineteenth century, the mutual obligation seems to have been stripped to a naked, economic exchange. The master tailor, Georg Michael Bühler, agreed "to take in training" Andreas Zoller for 3 years at fl. 30 and promised nothing more in the process.[49] Whether the moral or disciplinary elements of an apprenticeship had become customary—and, therefore, implicit—or were delimited and regulated elsewhere, the fact remains that such the contracts, which were to follow strictly a standard form according

[46] "Erstlich verspricht gedachter Herrn Daniel Mayr disen Michael Kauffer seine Kunst und Profession in allen Stücken mit allem Fundament wol zu lehren und mit aller Aufrichtigkeit und Liebe darinnen zu unterweisen, anbey zu allem Guten, vornemlich zu wahren Gottesforcht und einem erbaren Wandel getreulich anzuführen, wie es einem Christlichen und gewissenhaften Mann zustehet und gebühret." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Kauffer, Michael, 15 March 1723.

[47] Michel Vovelle's notion of a de-Christianization is a poignant irony in light of the orphanages more complex reality. See M. Vovelle, *Religion et révolution: la déchristianisation de l'an II* (Paris, 1976).

[48] "Verspricht und obligiert sich erstgemeldter Herrn Gotthilf Jacob Sikel zum verbindlichsten, als es immer seÿn kan und mag, daß er den zu einem Lehrjungen ihme anvertrauten Martin Matthäus Geiger nach seinem besten Wissen und Gewissen getreulich anführen und unterweisen wolle, in allen zu dieser Kunst nöothigen Wissenschaften und nichts verabsäumen, was zu seinem besten dienet, wie es einem rechtshaffenen Lehrherrn zustehet. . . ." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Geiger, Michael Matthäus, 11 September 1781.

[49] "Nachdem der Schneidermeister Georg Michael Bühler, in Nördlingen, sich entschlossen hat, den Andreas Zoller aus Augsburg geburtig und im Evangelischen Waisenhaus daselbst erzogen, in die Lehre zu nehmen . . . Erstens für dreijährige Lehrzeit fl. 30." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Zoller, Andreas, 20 April 1808.

to the 1780 ordinance, were gradually reduced to a set of simplified material transactions.

The authorities agreed to pay for this instruction. Early in the eighteenth century, the orphanage and the master would share the burden of fees and compensation, as specified in the second clause of the contract. Johann Georg Rumpelt's apprenticeship cost fl. 30. In addition, he received clothing and bedding from the Lutheran Orphanage but ate his meals at his master's table. This was a typical division of expenses that varied remarkably among trades and within trades. Those trades that required longer periods of training to instill higher or more complex levels of skill—goldsmiths, watchmakers, and furriers being examples—demanded far higher apprenticeship fees. When Christian Philipp Lindemann apprenticed to the master copperplate engraver, Johann Daniel Herzen, the agreed price was a staggering fl. 180, the highest fee paid by Augsburg's orphanages between 1572 and 1806.[50] Third-party funds had to be sought because the boy could contribute nothing toward his costs.[51] Certainly, the Alms Office and the orphanages were willing to pay handsomely to apprentice those orphans who had a particular ability or desire to practice a particular craft. For all 3 orphanages the costs of apprenticeship, calculated as a total and averaged over the number of orphans rose steadily throughout the early modern period. The 1780 ordinance sought to transfer more of these costs to the craft masters. No master, whether or not guilded, was to receive more than fl. 30 from the Alms Office.[52] Given that fees varied from craft to craft, any difference would have to be paid from the apprentice's means or from some benefactor's largesse as would the costs of any particular tools or equipment. The Alms Office, through the agency of the orphanages, would provide the apprentice's clothing, but the master had to provide his room and board. Whether these new terms had a deleterious effect upon the orphanages' capacity to

[50] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Lindemann, Christian Philipp, 1 January 1721.

[51] Christian entered the Lutheran Orphanage at 6 years of age with only fl. 4 kr. 30 to his name. Though the Orphan Father dutifully recorded the sum and kept it in savings, it was not sufficient to amortize even part of the apprenticeship's extraordinary costs. AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 124. Lindemann, 22 April 1710.

[52] StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §7.

place orphans in a workshop or household cannot be determined for lack of evidence.

As an employee, the apprentice agreed to learn and to labor. The final clause of every contract summarized their duties. They were to do their best and obey their masters, all the more in consideration of their status as orphans. Beneficiaries of the city's charity and the master's generosity, they were under a particular obligation to make the most of their training and employment. Johann Georg Rumpelt's contract contains a typical admonition: "Fifth, the aforementioned Johann Georg Rumpelt should make his best effort throughout his apprenticeship, especially in consideration of his miserable physical constitution, use every means to make the most of it, conduct himself at all times in a pious, disciplined, God-fearing, loyal and honest manner, avoid all bad company, treat his master with all due obedience, and in all things behave as suits and becomes a young person."[53] This formula remained practically unchanged until the late-eighteenth century. It expressed concern that orphan apprentices or servants conduct themselves appropriately, that is, work hard, behave well, and be obedient. The apprentice had "to the best of his ability to seek and to promote [his master's] advantage (*Nutzen*) and to help prevent all loss (*Schaden*).[54] An apprenticeship was, therefore, much more than the simple matter of training in a particular craft. It was a complex labor relationship, through which the apprentice became a subordinate member—and a less valuable, productive member—of the workshop. It was an economic relationship that had ethical as well as exchange value. True, apprentice and master traded training for a fee. They also joined in the pursuit of what was intended to be common, i.e., the master's, interest.

The Orphanage Ordinance of 1780 sketched the community of interest that supposedly motivated a workshop and bound its members.

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[53] "Fünfftens gedachter Johann Georg Rumpelt dise seine Lehrzeit über um so mehr wegen seiner elenden Leibs-Constitution bestens sich befleissigen solle, nach allem Vermögen solche wol anzulegen, sich jeder Zeit fromm, züchtig, Gottsfürchtig, wie auch getreu und redlich aufzuführen, böser Gesellschaft sich entshlagen, anbey seinem Lehrmeister mit allem shuldigen Gehorsam zu begegnen, und sich in allen Stücken also zu verhalten, wie es einem jungen Mensh wohl anstehet und gebühret." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Rumpelt, Johann Georg, 4 March 1760.

[54] "…anbeÿ seinem Lehrmeister mit allem shuldigen Gehorsam zu begegnen, dessen Nutzen nach Vermögen suchen zu befördern und allen Schaden Helffen zu verhüten…." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Geßler, Georg Elias, 28 June 1774.

It became the standard of comportment for orphan apprentices. Accordingly, they should:

> …embezzle, neglect, and omit nothing large or small, however slight it might be, not talk back but rather accept punishment, show all due respect to their masters and mistresses as well as to the journeymen, indeed, be mannerly, polite, and modest to all people, and in short so conduct themselves as befits a Christian orphan and an honorable person. They should promote their master's profit and advantage and prevent his loss and disadvantage by carrying out their assigned labors with unchecked eagerness in order to learn their craft or profession thoroughly, by making expending all their powers when assigned work, by not raising its price on their own in order hold back a little extra for themselves, under threat of dire consequences.…[55]

The ideal for orphanage and masters alike, it required not only that the orphan identify with his master's interest but also that he identify it as his own. Yet, it appears to have been a true community. Orphan apprentices appear to have been active parties to their labor agreements. Their preferences were acknowledged; their duties were specified; their oaths were required. They consciously and willingly entered into a legal relationship with their master and the orphanage. It would be too much to allege that they were equal partners in this agreement. Yet, their contractual responsibilities brought with them no less contractual rights. Augsburg's orphans were not simply released to fend for themselves. The apprenticeship contracts reveal, they were set in a network of obligation and authority. These agreements gave form and force to a set of reciprocities: training in exchange for labor; rearing in exchange for obedience; support in exchange for money. The giving of one obligated the giving of the other. The withholding of one justified the withholding of the other, thus dissolving the agreement. Master,

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[55] "…nichts wider grosses noch kleines, wie gering es auch wäre, veruntreuen, verwahrlosen und versäumen, nicht wiederbellen sondern Zucht annehmen, ihren Lehrmeistern und deren Frauen allen Respect erweisen, auch gegen die Gesellen, wie überhaupt gegen jedermann manierlich, hoflich und bescheiden seÿn, kurz sich also conduisieren und betragen wie es einem christlichen Waisen und ehrliebendem jungen Menschen zustehet. Sie sollen ihres Lehrmeisters Nutzen und Vortheil fördern und suchen, dessen Schaden und Nachtheil aber hindern und wenden, daher die aufgetragene Arbeit mit unverdrossenem Eyfer und Fleiß verrichten, ihre Handthierung und Profession grundtlich zu erlernen, alle Kräften anstrengen wenn sie mit Arbeit ausgeschickt werden, den Lohn und Werth desselben nicht eigenmächtig erhöhen und davon so wenig als von dem ihnen etwa geschänkten Trinkgeld beÿ Verwendung schweren Ahndung zurückbehalten." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. "Waisenhausordnung," 1780. Articulus XV, §10.

orphan, and orphanage were bound together mutually. Likewise, the agreements established relations of power. The orphan apprentices were subject to their craft masters and to the orphanage authorities. Yet, they were not rendered helpless. They could appeal from one to the other: an orphan could seek the freedom of a master's workshop against the constraints of the orphanage; an apprentice could seek the protection of the orphanage against the abuse of his master. The contracts created a regime of material security over a specified period of time. If all parties held to the agreement, then all parties profited. The master received an additional hand in his workshop. The orphan was assured shelter, food, clothing, and employment for the term of his apprenticeship. The orphanage was relieved of some of the costs of support, sparing resources that could be transfer to another needy child. This favored state assured advantage over the short-term. Finally, the orphan received certification of the skills to gain employment and the right to seek it that marked the completion of training. Leonhard Tobias Drescher, master silver-worker, warranted

> Daniel Schmidt "has with God's help completed his required apprenticeship with me. I am therefore well inclined to declare him free and to make him a journeyman. In consideration of his honesty, loyalty, and industry as demonstrated in the past year, I can offer him a good character and request that the directors of the Lutheran Orphanage willingly grant him the journeyman's outfit as settlement.[56]

This was the key by which poor laborers might gain access to the city's bourgeois society.

Nahrung has appeared at several points in this discussion, understood to mean a social competency, a suitable livelihood that enables the earner to support himself and his dependents in an appropriate manner. It was neither the means to subsist as an individual nor the discipline to work within a community. Rather, it implied a sufficiency.[57] It was

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[56] "Daniel Schmid hatt nun mit Gottes Hülfe seiner bedungnen Lehrzeit beÿ mir erstrecket. Ich bin also gesonnen ihn demnach freÿ sprechen, und zum Gesellen machen zu lassen. In Ansehung seiner die letzern Lehrjahr bewißene Redlichkeit, Treue und Fleißes kan ich ihm guttes Zeugnuß gegen und ersuche deswegen die Herrn Vorsteher des Evangelischen Weißenhaußes höfflichst ihm das Gesellen Kleid güttigst angedeÿnn zu laßen." AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen, 204. Schmidt, Daniel, 8 November 1781.

[57] Thus understood, it resembles notions of "competency" that were current in early modern England. There it connoted a "desirable and morally legitimate well-being… the possession of sufficient property to absorb the labors of a given family while providing

an ambiguous concept because what constituted a sufficiency varied from person to person and over a life cycle.[58] The orphanages sought to defuse this ambiguity or, better put, to turn it to new purposes. For the sake of self-sufficiency and persistence, they provided orphans with *Nahrung* in the sense of a social praxis. By employing orphans in the social setting of a workshop, they placed them in a network of obligation and authority that involved the orphans themselves as well as their masters and the orphanages. The contracts of apprenticeship fixed the mutual and reciprocal rights and responsibilities of all these parties, assured compliance, and provided restitution. That sense of *Nahrung* as a social praxis, in which the possibility of an economic sufficiency was combined with the solidity of a social place framed these agreements, engaging the interests of all parties in such a way that conflict was not commonplace and success was more frequent. Augsburg's orphans were offered every conceivable means to legitimate economic and social security. What is more, all parties to the apprenticeship had a vested interest in their success. It was, so to speak, an attempt at a moral market economy for labor and capital.

* * *

Poverty cannot be abstracted or fixed. Its meaning is subjective, circumstantial, and variable. As early as the twelfth century, distinctions were made between those whose poverty was absolute and those whose poverty was relative, between those who had no property and those who had insufficient property.[59] The nature of poverty and the suffering it inflicted changed according to the circumstances and expectations of the individual. The lack of absolute standards for determining need created ambiguity in identifying and relieving poverty. In Augsburg, administrators managed, rather than denied, this ambiguity.

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it with something more than a mere subsistence." See Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly*, Third Series, 47 (1990): 3–29.

[58] R. Blickle, "Nahrung und Eigentum als Kategorien in der ständischen Gesellschaft"; T. Fischer, *Städtische Armut und Armenfürsorge*, 31–32; B. Frenz, "Ulrich Imholz, die Leinenweber und der Rat von Konstanz"; E. Kelter, "DieWirtschaftsgesinnung des mittelalterlichen Zünftlers."

[59] See the discussion in the Introduction. Cf. L.P. Wandel, *Always Among Us: Images of the Poor in Zwingli's Zurich* (Cambridge, UK, 1990), T. Fischer, *Städtische Armut und Armenfürsorge im 15. und 16. Jahrhundert. Sozialgeschichtliche Untersuchungen am Beispiel der Städte Basel, Freiburg i.B. und Straßburg* (Göttingen, 1979).

Augsburg's orphanages have been steadfast in pursuit of the goals for which they were founded. Despite changing political circumstances—the city's integration into the Kingdom of Bavaria in 1806, for example, with the reorganization of welfare administration that accompanied it—and changing economic realities—the extraordinary dislocations following the city's destruction in 1944 and the end of the Second World War is but one point in a long history—have altered means but not ends. Changing notions of child psychology and pedagogy have also worked changes over time. The orphanages of today provide living experiences in no way reminiscent of those institutions in the early modern period. Still, to this day, the Catholic St. Gregor's Home and the Evangelical Children's Home, both direct, linear descendants of the City Orphanage, established in 1572, pursue essentially the same goals, laid out some 430 years ago: "to erect and furnish a house for the poor, fatherless and motherless orphans who have been supported from the common alms sack so miserably and at great cost in order that they might be reared in the true fear of God, propriety, and honor;"[60] and "truly to instruct and bring the children to the fear of God, to prayer, also to work and to all good virtues."[61]

The purpose of Augsburg's orphanages was less to care for orphans than to enable orphans to care for themselves. Early administrative records support this contention. They refer consistently to the twin goals of teaching children to be pious and teaching orphans to be self-supporting. Yet, the success of the orphanages resided more in the daily application than in the general principle. The authorities bent the rules. To put it another way, they recognized that orphanage regulations did not provide guidance in every single case. Johann Georg Rumpelt is one of many cases in point. Though an orphan and poor in the strict senses of the terms, he was also disabled, a fact that should have prevented his admission. Had the authorities observed the letter of the law, they would have placed him in the city's *Pilgerhaus* or the *Spital*, depending on whether or not his affliction was curable. Rather, they

[60] "…für die armen vatter- und mutterlosen Waisen, so in gemainen Allmuesenseckhl ellendigelich mit shwerem Cossten erzogen worden, ein aigen Haus auf- und anzurichten, damit dieselbigen in wahrer forcht Gottes, Zucht und aller erbarkhait auferzogen mögen werden…." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Jahresrechnungen, 1570–1579. Waisenhaus, 1572. See also Safley, *Charity and Economy*, 279.

[61] "…weliche die kinder zu der forcht gottes, dem gepett, auch zur arbaitt, und allen gueten thugeten trewlich underwisen unnd leerten…." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Waisenhäuser 10. Ain ungeferlicher Überschlag was ain Waisenhauß darinnen 200 kinder erhalten mochten werden jerlich kosten möcht, 1572.

offered him the full support of the Lutheran Orphanage and placed him in the craft apprenticeship of his choice, despite his disability. As a result, Johann Georg became a journeyman and settled in Augsburg. It is impossible to reconstruct the reasoning that led the authorities to admit some and dismiss others, whose objective circumstances were the same. Yet, they seem to have assisted those who were most in need and most likely to profit.

From the city's perspective and from the orphanages' perspective, that success could not be doubted. Nearly 76 percent of all out-placed orphans achieved a social competence according to the "Orphan Books." What is more, success held remarkably stable with the passage of time, both between male and female orphans and among the City, Lutheran, and Catholic Orphanages. There was a decline at the beginning of the seventeenth century, which may be attributed to lower numbers of orphans admitted in that period. There is another decline at the end of the eighteenth century, almost certainly a result of underreporting, given the lacunae in surviving documents. Apart from these apparent aberrations, all orphanages managed a stable rate of "success," orphans placed in a trade or service, who further managed to complete their probation, earn their settlement, and enter the economy.

The majority of these "successes" settled in Augsburg, itself. Among 5,734 orphans, only 161–128 males and 33 females—offer any evidence of abandoning their hometown. Most of the emigrants were Catholics, moving to firmly Catholic cities, such as Munich, Salzburg, or Vienna. In some instances, other destinations were given: Nuremberg or Prague. Some orphans—male and female alike—went off to war in Hungary, the Netherlands, or France. Others went off to study at the universities of Tübingen, Wittenberg, Erfurt, or Jena. Still others simply took to the road, the highways known but the destinations uncertain. According to the "Orphan Books," at least, the orphanages seem to have created a sedentary labor force.

To the evidence for economic and geographic stability can be added that of social stability. There are few instances of noteworthy social advancement, such as Jeronimus Eberhart. Sons did not often take their fathers' trades. Yet, the majority become artisans as were their fathers before them. Such changes in trades as become apparent from a comparison between generations suggest a number of possibilities. First, the preferences of the orphans rather than the backgrounds of the fathers was the determinative consideration in placement. Second, orphanage administrators must have been limited by the availability

of masters, who were willing to accept orphans as apprentices. Third, that availability would have reflected the slow change in the structure of Augsburg' manufacturing center. After the middle of the seventeenth century, to name but the most dramatic development, the textile industry goes into a relative decline, employing fewer masters and producing less cloth than in its heyday. Though it remains the largest single industry in the city, it declines in relative terms. At the same time, the decorative trades, such as gold- and silversmithing, copperplate-engraving, illuminating, and painting to name but a few, expand to employ more masters and journeymen and to produce more goods. It is not surprising, under these circumstances, that more orphans entered these trades in the seventeenth and eighteenth centuries than had been the case earlier. Yet, these were elite trades, requiring economic means to pay apprenticeship fees as well as artistic ability to assure successful completion. For this reason, perhaps, many orphans continued to enter the humbler ranks of tailors and cobblers.

Clearly, from the orphanages' perspective, the success of orphans as self-sufficient laborers was intimately connected to their behavior as self-sufficient laborers. The maintenance provided by the orphanages, understood in terms of material assistance, lowering as it did the transaction costs of finding work and hiring workers, was crucial to that success. Yet, that maintenance had to be more than material; it had to have a moral aspect as well. The orphanages had to support the proper discipline among their charges past and present, while within their walls and abroad in the city. This they did with remarkable consistency over 235 years. They engaged in only the most minor refinements in their disciplinary regime, apparently ignoring changing needs and definitions in a wider world. There was little or no tinkering with established practice. Why should there have been? The councilors, deputies, and administrators must have known the efficacy and success, captured in their own record-keeping. They had no reason to change, to reform, to innovate. If the industrious revolution grew out of the principles and procedures of educators and managers, then it flowered in Augsburg long before the first factory opened its doors and the first machine turned its wheels.

If the 1721 ordinance charged the authorities with the oversight of orphan behavior after they left the orphanages' care, then the 1780 ordinance created a more formal connection between behavior and assistance. It set forth a clear standard for orphan laborers and left little doubt that maintenance depended on conformance.

> Falsify, neglect, and omit nothing, neither large nor small, no matter how unimportant it may seem, never bark [sic] back but accept discipline, display every respect to their masters and the masters' wives, also be mannerly, polite, and modest to the journeymen and indeed to everyone, in short to conduct and behave themselves as befits a Christian orphan and honor-loving young person. They should promote the use and advantage of their masters, hinder and prevent their damage and loss, to that end complete the assigned work with unfettered zeal and industry, apply all their strength to learn their craft and profession thoroughly; when they are sent out to work, not inflate its value and worth and hold something back from that sum any more than from the gratuity given them—under pain of sever punishment [for disobedience].[62]

The connection remained imperfect, to be sure. Misbehavior was not consistently met with disapproval and dismissal. Patience and persistence still modified—and compromised—a more perfectly rigid discipline. Yet, the ordinance drew the line more clearly and explicitly that it had been drawn: orphans were not only to make their masters' interests their own, they were also to be exemplary in their comportment, to avoid "drinking, gaming, dancing, and other youthful excesses as well as all taverns and public places."[63] The ordinance marks a movement toward rigor.

It created a series of checks, building upon the requirements of 1721, by which authorities could continue to expose and correct improper behavior among orphans, even after they left the orphanages. The orphan father and preceptor were now required to visit every orphan's master and inquire "after their apprentice's industry, loyalty, and con-

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[62] "…nichts weder grosses noch kleines, wie gering es auch wäre, veruntreuen, verwahrlosen, und versäumen, nicht wiederbellen sondern Zucht annehmen, ihren Lehrmeister und desen Frauen allen Respect erweisen, auch gegen die Gesellen, wie überhaupt gegen jedermann manierlich, höflich und bescheiden seyn, kurz sich also conduisieren und betragen wie es einem christlichen Waisen und ehrliebendem jungen Menschen zustehet. Sie sollen ihres Lehrmeisters Nuzen und Vortheil fördern und suchen, dessen Schaden und Nachtheil aber hindern und wenden, daher die aufgetragene Arbeit mit unverdroßenen Eyffer und fleiß verrichten, ihre Handthierung und Profession grundtlich zu erlernen, alle Kräften anstrengen, wen sie mit Arbeit ausgeschickt werden, den Lohn und Werth desselben nicht eingemächtig erhöhen und davon so wenig als von dem ihnen etwa geschänkten Trinkgeld bey Verwendung schweren Ahndung zurückbehalten." StadtA Augsburg. Reichsstadt Akten. Almosenamt. Evangelisches Waisenhaus 12. Waisenhausordnung, 1780. Articulus XV, §10.Cf. Articulus XV, §1: "…auch von solchen Sitten, Fähigkeiten und Gemuthsgaben sind, daß sie ihren kunftigen Herrschaft ihr Stuck Brod ehrlich und gewissenhaft abverdienen können."

[63] "…alles Trinken, Spielen, Tanzen und andere jugendliche Ausschweifungen, sondern auch überhaupt alle Wirthshäuser und öffentliche Pläze gänzlich vermeiden…." Ibid.

duct" every six months. The same rule applied to household servants. If problems arose, the masters and mistresses could take matters into their own hands by seeking out the authorities and registering their complaints.

In other instances, they simply took note of behaviors without taking any apparent action. A Lutheran official by the name of Johann Jacob Breymeyer recorded his observations of various apprentices and servants in a document from 1782.[64] The survey involved 16 apprentices and 9 servants and gives some indication of the institution's expectations. The most important observations turned on whether the apprentice or servant were honest (*redlich*), industrious (*fleißig*), obedient (*gehorsam*), and clean (*reinlich*). These were the most frequently used terms and, thus, the standards against which every orphan was measured. Johann Jacob Schwestermuller, for example, earned high praise with the remark that he was "honest, industrious, and clean in all ways." He had entered the orphanage as a have-naught.[65] Apprenticed to the silk manufacturer (*Seiden-Fabrikant*), Ernst Kaufmann in 1780, he finished his training honorably and punctually in 1786. Likewise, Thomas Eigenmeyr, apprenticed to the weaver, Jacob Werner, stood high in official regard because he was "honest, industrious, obedient, and clean; in further behavior without complaint."[66] He, too, finished his training without any problem, receiving his settlement and becoming a journeyman in due course.[67] Not all orphans were so successful. Sebold Gerstmayer, apprenticed for 3 years at fl. 30 to Johann Friderich Frickhofer in 1780, proved "honest but very lazy and unclean in clothing and person."[68] For reasons that were never recorded, he did not complete his apprenticeship until 1786.[69] Michael Schweiging, an apprentice chimneysweep was described as "honest, industrious…is accustomed to curse and swear; occasionally comes home very late; has no good reputation

[64] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[65] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Schwestermuller, 4 June 1775.

[66] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[67] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Eisenmeyr, 19 April 1773.

[68] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[69] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Gerstmayr, 5 November 1774.

among the other masters."[70] He finished his training honorably, nonetheless.[71] Johann Christoph Orges was "honest" but only middling in the matter of industry and not particularly clean. What was more—and potentially worse—he was given to gossip (schwatzereyen), which could create hard feelings on the shop floor.[72] Whether for this or some other reason, he changed masters early in his training, from one gold- and silver-worker to another, but still managed to complete his apprenticeship.[73] Tobias Blenckle, an apprentice cobbler, was the worst of the lot: "very bad…very lazy and unclean."[74] He had entered the Lutheran Orphanage in 1771, at age 5 years, without family or means. None of this proved a reliable predictor for his eventual success, however. Bad, lazy, and unclean though he may have been, he completed his apprenticeship in the allotted 3 years and received his settlement, the mark of an honorable journeyman.[75] Could it be, as seems likely, that the orphanage intervened in the training of those orphans who seemed headed for failure?

Apprentices had to be regular, productive workers but also modest and submissive. Servants were described in similar terms. Maria Rugendas was "honest, industrious, clean but somewhat willful" (*eigensinnig*).[76] She managed to finish her probation to a seamstress without noteworthy difficulty.[77] Maria Rosina Sinnacher was also "honest, industrious, clean, but completely sharp-tongued" (*bößmäulig*).[78] It did not stand in her way; by 1783, she was on her own.[79] Euphrosina Brenzle was not only "hon-

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[70] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[71] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Schweiging, 9 February 1774.

[72] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[73] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Orges, 24 October 1778.

[74] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[75] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Blenckle, 12 December 1771.

[76] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[77] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Rugendas, 1 July 1772.

[78] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[79] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Sinnacher, 26 October 1771.

est, industrious, clean," but also "pious and loyal" (*fromm und treu*).[80] The "Orphan Book" offered no further information after she finished her probation in a braid-maker's household.[81] Sabina Regina Seybert was "honest, but somewhat lazy, unclean, and accustomed to stand about in the street."[82] Such idleness and potential immorality might have given the authorities some concern, but it apparently did not trouble Sabina Regina, who experienced no work-related problems.[83] Maria Ziegler caused far greater concern; she was "dishonest; in industry only middling; is inclined to drunkenness, otherwise she is clean; is seldom seen at communion by her master."[84] Like her peers, she had no problem competing her probation successfully, a most negative work review notwithstanding.[85] Again, whether these reviews provided a pretext for intervention and prevention or whether they bore no relationship either to the orphanage's function as a clearing house for labor or to the orphans' eventual success or failure remains open to question.

It would seem that young women were examined not only for their virtue as laborers but also for a piety and modesty that were gendered. The survey runs the gamut of behaviors from those that matched or surpassed the orphanage's expectations to those that fell far short. Among apprentices, 5 received positive reviews, 8 received mixed reviews, and 3 received negative reviews. Among servants, the reviews ran 3 positive, 4 mixed, and 2 negative. Whether this fact had any bearing cannot be readily determined: all continued to work; none were disciplined. If these individuals mark what the orphanages would have called "success," then the term must be understood with a certain liberty. Most orphan laborers seem to have demonstrated in varying degrees the fundamental qualities of honesty, industry, obedience, and cleanliness. Yet, some came home late, others laid abed, still others

[80] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[81] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Brenzle, 11 September 1769.

[82] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[83] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Seybert, 9 October 1772.

[84] AEK Augsburg. Die Kinder im Waisenhaus. Lehrlinge und Dienstmädchen 206.

[85] AEK Augsburg. Die Kinder im Waisenhaus. Aufnahme, Entlassung, Beurteilung und Verzeichnis der Kinder 126. Ziegler, 12 July 1774.

ate too much, and still others hung out in the streets. These otherwise lapidary remarks, lacking as they are in any further clarification, suggest young workers who snatched moments of freedom—opportunities to do as they wished—within the regime of workshop or household without subverting or spurning those regimes as such.

To those they admitted, the authorities provided training to accustom them to labor. They provided healthcare to keep them fit. They put those who survived to work, including some who were marginally able, to make them self-sufficient. They set them in a network of authority and obligation to enable them to persist. And persist they did. It is no exaggeration to claim that orphans left the orphanages to be buried or to be employed. The exceptions to this rule—those who fled or resisted or failed—were individually telling but statistically insignificant. Survival rates were generally so good that Augsburg's orphanages became marketplaces for labor.[86] Masters turned to them for a ready supply of servants and apprentices. Magistrates—and relatives on occasion—used them to find employment for needy young people.[87] By requiring periods of probation or appearances before council, the authorities located and vetted potential employers on behalf of the employees. By assuming the costs of health care and clothing, the authorities reduced transaction costs on behalf of the employers. By providing institutional support in the form of contractual agreements, the orphanages offered all parties the means to redress grievances. The result was unusual stability, both within the economy and within the city.

That stability may have provided the laboring poor of Augsburg with more consistent livelihoods. It may also have had real consequences for the city's economy. Economic historians have taken up the concept of an "industrious revolution" as a prerequisite to the transformation of production technologies and industrial organizations that, in turn, transformed the European economy from the eighteenth century onward.[88] Laborers somehow began to "intensify" their efforts, to produce more—that is to labor more persistently—in order to consume more. This intensification of effort may have contributed to the escape from diminishing returns to scale that trapped the pre-industrial

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[86] See the discussion in Safley, *Charity and Economy*, 247, 272–73.

[87] Again, see Chapter Three.

[88] See Jan de Vries, "The Industrial Revolution and the Industrious Revolution," *The Journal of Economic History* 54 (1994): 244–70.

economy in inefficient production.[89] Could the orphanages have given at least some of Augsburg's laborers a different work ethic? Could the emphases on adaptation and *Nahrung* have fostered a less proprietary attitude toward the application of skill and a more open response to change in technique or specialization of function? If these theories and speculations hold, then the rise of industrial capitalism may have been founded in part on a traditional, communitarian principle.

[89] On the intensification of labor productivity before the advent of machine industry, see De Vries, "The Industrial Revolution and the Industrious Revolution"; S. Pollard, *The Genesis of Modern Management* (Cambridge, MA, 1968); L. N. Rosenband, *Papermaking in Eighteenth-Century France: Management, Labor and Revolution at the Montgolfier Mill, 1761–1805* (Baltimore, 2000); J. Rule, *The Experience of Labor in Eighteenth-Century Industry* (New York, 1981); M. Sonenscher, *Work and Wages: Natural Law, Politics and the Eighteenth-Century French Trades* (Cambridge, UK, 1984); E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 1991).

PART TWO

POLITIES

THE POLITICS OF HISTORY IN THE SWISS REFORMATION

Regula Schmid

Introduction

In the middle ages and early modern period, the persuasive power of history resided, above all, in the truthfulness considered inherent to it. History provided many different functions to political discourse, especially legitimization of contemporary conditions or actions.* Political discourse based on history contained either vague references to the "good old" past or was, more pertinently, cast in the formal framework of the historiographical genres. Modern scholarship tends to understand the relationship between historical narrative and politics as being dominated by the latter: historiography is the handmaiden of politics, but does not shape it. Its function as source for the modern historian is one of a "distant mirror" whose reflection is contorted by rhetorical norms, the writers' relationship to the people who commissioned the works and their readers, their world view, knowledge and talent, and, finally, their political ideas and opinions.[1] Much less emphasis is put on the fact that the mere presence of historiography might elicit responses from the people confronted with it, and thus influence political action and—in the long run—the course of history itself.

That this might indeed be the case will be shown by analyzing a previously much underestimated event of Reformation history in the Swiss Confederacy, and the uses to which historiography was put during and

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* This article is based on chapter II.2 of my unpublished Habilitationsschrift *Geschichte im Dienst der Stadt. Amtliche Historie und Politik, 1350–1550* (Ms. Zürich, December 2005).

[1] On the functions of late medieval historiography in the Holy Roman Empire, see especially: *Städtische Geschichtsschreibung im Spätmittelalter und in der frühen Neuzeit*, ed. Peter Johanek (Köln, Weimar, Wien: Böhlau 2000); Frantisek Graus, "Funktionen der spätmittelalterlichen Geschichtsschreibung" in *Geschichtsschreibung und Geschichtsbewusstsein im späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke, 1987), pp. 11–55; *Instrumentalisierung von Historiographie im Mittelalter*, ed. Gudrun Gleba [= Das Mittelalter 5 (2000)] (Oldenbourg: Akademie Verlag, 2000).

following this so-called *Brünigzug* by the governments of the communes involved. To chose as a point of analysis a little known excursion of eight hundred men over the Brünigpass from Unterwalden into Bernese territory in October 1528 is warranted by the considerable impact it had on the political development of the Swiss Confederacy on the one hand, and by the unusual emphasis the political protagonists involved in the disputes following the *Brünigzug* put on historiography on the other hand. But it is also connected in two ways to the scholarship of Tom Brady: Firstly, Unterwalden's troops answered the call of people who explicitly considered themselves "free" and wanted to become "Confederates as well", similar to those groups in southern German communes that aimed at "turning Swiss".[2] Secondly, none other than Jacob Sturm from Protestant ally Strasbourg was twice involved in mediations directly evolving from the actions of the Bernese rebels and the Unterwalden force.[3] The analysis of the *Brünigzug* will thus also add a subchapter to the many important results of a historian's work that did a lot for breaking up the nation-centered view of Swiss and southern German politics of the late 15th and early 16th centuries.

After an overview of the events of late fall 1528, I will first look at the way history was used by the two opposing parties during that standoff and the legal debate that followed. I will then proceed to the uses of historiography in the years after the Second *Landfrieden* of 1531. This treaty marked the formal end to the disputes over the *Brünigzug*: Article 9 stipulated that Bern should hand over all written agreements pertaining to Unterwalden's action of 1528 so that they could be "torn up and destroyed". Furthermore, Unterwalden did not have to pay the high sum of 3000 kr that had been set as a punishment for its aggression by the First *Landfrieden* of 1529. Article 10 ordered the Bernese authorities to allow all refugees from their territory to return to their homes without harassment. The treaty of 1531 ended with the formulaic exhortation, that

> all fighting, hostility, discord, envy, hate, and all wrong that arose and happened from deeds and words during and before this war shall be null and void between us, and that we will never again refer to them and remind each other of them in ill will, but shall pardon each other in all

[2] Thomas A. Brady, Jr., *Turning Swiss. Cities and Empire 1450–1550* (Cambridge: Cambridge University Press, 1985).

[3] Thomas A. Brady, Jr., *The Politics of the Reformation in Germany. Jacob Sturm (1489–1553) of Strasbourg* (Atlantic Highlands, N.J.: Humanities Press).

> things and furthermore, God willing, shall eternally treat each other as good friends and faithful, dear Confederates…[4]

However, this solemn agreement to future political friendship constituted anything but a final closure to the matter. By 1534, both parties were continuing their war by other means, i.e. by commanding the writing of chronicles, each telling the "true" story of the recent events. My main interest is not to elaborate on the obvious differences in opinion these official chronicles contain, but to discuss the role they were assigned by the parties in their political discourse. I will then point out how the particularities of the historiographical genre affected the possible functions chronicles could assume in a political discourse, and elaborate on the specific circumstances that incited the Bern and Unterwalden authorities to take recourse to historiography in this particular historical moment.

The Brünigzug *of 1528*

In October 1528, eight hundred men from Unterwalden crossed the border to the Bern territory in order to support their neighbors in their struggle for "freedom" from religious—and, certainly in the view of modern scholarship, economical and political—"oppression" by their "lords" in Bern. By all accounts, this incursion violated all confederate pacts which also bound Bern and Unterwalden. This is most probably the reason why the border crossing has suffered quite thorough neglect in Swiss national historiography, Catholic and Protestant alike.[5] It is

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[4] "…all fecht, fyentschaft, zwytracht, nyd, hass und aller unwill, so sich durch wort oder werk in und vor disem krieg erhaben und begeben, zwüschen uns zuo beiden teilen hin, tod und ab sin, einandern in böser und arger meinig niemermer fürziechen noch gedenken, sunder in aller dingen verzigen und nun hinfür, ob gott will, in ewig zyt einandern für guot fründ und getrüw lieb Eitgnossen haben…". Peace Treaty between the five cantons Uri, Schwyz, Unterwalden, Luzern and Zug, and Zürich, November 20, 1531. *Amtliche Sammlung der ältern Eidgenössischen Abschiede*, vol. 4: *Die Eidgenössischen Abschiede aus dem Zeitraume von 1521–1532*, ed. Johannes Strickler (Brugg, 1873–1876) [quoted *EA*], vol. 4a, appendix 19a; the treaties with Bern (November 24), Basel (December 22), Schaffhausen (January 31, 1532) contain the same exhortation; ibid. appendix 19b–d.

[5] Swiss national history in the late 19th century was dominated by Protestant, Liberal historians (see: Marchal, Guy P., "Zwischen 'Geschichtsbaumeistern' und 'Römlingen'. Katholische Historiker und die Nationalgeschichtsschreibung in Deutschland und in der Schweiz", *Krisenwahrnehmungen im Fin de siècle. Jüdische und katholische Bildungseliten in der Schweiz*, eds. Michael Graetz and Aram Mattioli (Zürich: Chronos, 1997), pp. 177–210).

not mentioned in any of the standard handbooks on political history, and is conspicuously absent in any general or specialized work of Reformation history.[6] However, the *Brünigzug* is the first belligerent action of the confessional wars which nearly broke up the Swiss Confederacy. It resulted directly from the decision of the Bernese authorities to introduce the reformed liturgy and church system within their territory, thus ending the isolated position of Protestant Zürich within the Confederacy. The events of Fall 1528 also provided Zürich with an important motive for declaring war on its Catholic allies in June 1529, and its effects were still considerable at the end of 1531, when the parties sealed the Second *Landfrieden*.

On January 27, 1528, the Bern government decided to introduce the new, reformed church regime with all its consequences not only for liturgy, hierarchy, personal ways to the sacred, but also economical and political rule and dependencies. On February 2, the citizenry took oaths affirming its support for this new direction, and on February 23, the town's officials proclaimed it as applicable throughout the entire territory. Most districts accepted the new rule without much resistance. Opposition soon arose however in the southern part of the territory close to the Wallis and Unterwalden borders (the *Oberland*), an area previously mostly dominated by the monastery of Interlaken and rather notorious for its rebelliousness. Interlaken's subjects saw in the change of regime a chance to get more freedoms and, especially, to abolish tithing. At the same time, Berne's rule was feared to be more oppressive than the old rule of the monks, and this feeling was fed further by the appearance

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The main Catholic historical account of the Brünigzug, Hans Salat's chronicle for the government of Unterwalden, was, however, published in the second volume of the shortlived (three volumes between 1868 and 1876) Catholic journal, *Archiv für die schweizerische Reformations-Geschichte* in 1872 that had been founded in reaction to the dominant Protestant position in scholarly history of the time.

[6] Special studies of the event concentrate on the peasant revolt preceding and accompanying the *Brünigzug* from the point of view of Bernese local history or emphasize the connection of these events to the Reformation in the state of Bern: Rudolf Dellsperger, "Zehn Jahre bernischer Reformationsgeschichte (1522–1532)," *450 Jahre Berner Reformation. Beiträge zur Geschichte der Berner Reformation und zu Niklaus Manuel* (Bern: Historischer Verein des Kantons Bern, 1978), S. 25–59; Hans Specker, *Die Reformationswirren im Berner Oberland 1528. Ihre Geschichte und ihre Folgen* (PhD Diss. Freiburg i.Ue., 1951), and especially: Peter Bierbrauer, *Freiheit und Gemeinde im Berner Oberland 1300–1700* (Bern: Historischer Verein des Kantons Bern, 1991). The available accounts relating to the political conflict between cantons, for example in Richard Feller, *Geschichte Berns*, 4 vols. (Bern: Lang, 1946–1960), vol. 2, S. 149–236, paraphrase the main Bernese chronicler of the period, Valerius Anshelm.

of officials who, while carrying out secularization of the monastery, registered its possessions.[7]

By spring 1528, the rumor went that "…the upper lands as far as Thun want to become free and an *Ort* of the Confederacy…"[8] and the Bernese government feared that Unterwalden would, as it had on the occasion of several memorable previous revolts, involve itself in Bernese matters.[9] This particular fear was well-founded: when the rebels occupied the Interlaken monastery on April 23 and marched, 1000 men strong, towards Thun, they did in fact call on Unterwalden for help. However, the Unterwalden rulers refrained at that time from open action—while assuring the local leaders of their support in a secret letter.[10] Bern managed to quell the revolt by agreeing to sharply reduce its levies on the local subjects. The calm that resulted was shortlived, however, and the fact that positions were still unclear within the Bernese government itself certainly did not help matters: On June 7, the men in the Haslital assembled in a *Landsgemeinde* and decided in a 151 to 111

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[7] Bierbrauer, *Freiheit*, pp. 261–285.

[8] Valerius Anshelm, *Berner-Chronik*, ed. Emil Blösch, 6 vols., (Bern: K.J. Wyss, 1884–1901), vol. 5, p. 261: "Die obre land, bis gon Thun, moechtid wol frî und ein ort der eidgnoschaft werden…".

[9] Anshelm, Berner-Chronik, vol. 5, p. 261: "They [the *Oberländer*] started to disobey their magistrates and ministers, to form mobs [*rot[t]en machen*] and to search for supporters among their neighbors both inside and outside the land, and especially in Unterwalden…". Earlier revolts are described in Bierbrauer, Freiheit, pp. 170–177; Peter Bierbrauer, "Die Oberländer Landschaften im Staate Bern," *Berner Zeitschrift für Geschichte und Heimatkunde* 44 (1982), pp. 145–157; Gustav Tobler, "Die Oberländerunruhen während des alten Zürichkrieges," *Archiv des Historischen Vereins des Kantons Bern* 11 (1886), S. 451–574. The (suppressed) rebellion of 1470 and Unterwalden's role in it are described in Regula Schmid, *Reden, Rufen, Zeichen setzen. Politisches Handeln im Berner Twingherrenstreit 1469–1471* (Zürich: Chronos, 1995), p. 207; the *Könizer Aufstand* of 1513 that the rebels of 1528 quoted explicitely, is described in Arnold Esch, "Mit Schweizer Söldnern auf dem Marsch nach Italien. Das Erlebnis der Mailänderkriege 1510–1515 nach bernischen Akten," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 70 (1990), pp. 348–410.

[10] Cf. an agreement by the five cantons Uri, Schwyz, Unterwalden, Zug, and Luzern, sealed with the 'secret' seal of Luzern, of April 28, 1528: Unterwalden as a "neighbor" was ordered by the five cantons to act "secretly" on behalf of the "honorable people" in the *Oberland*, to assure them of the support of the five cantons and to implore them to stay with the "old christian faith". This secret agreement is inserted in Unterwalden's chronicle of the events: [Hans Salat], "Memorial der Regierung von Unterwalden über den bewaffneten Zug der Obwaldner in das Haslithal wider die Berner und über die daherigen Verhandlungen und Folgen von Anno 1527 bis Anno 1531. Ausgefertigt und in das geheime Landesarchiv niedergelegt den 11. August 1534," *Archiv für die schweizerische Reformations-Geschichte* 2 (1872), pp. 101–151, here 113–114 [quoted Salat, "Memorial"].

vote to return to the old faith, and on September 3, the Minor Council (*Kleine Rat*) in Bern allowed the people in the Simmental, another notoriously rebellious district of the *Oberland*, to celebrate mass again. The locals of the Haslital removed the Protestant minister invested by the government and asked Unterwalden to send them priests to their valley—at the same time asking Bern by letter not to be angry with their "dear Confederates in Unterwalden for this service".[11] This was the first public acknowledgement of Unterwalden's support of the rebels in the *Oberland*. (Later, Unterwalden's rulers would claim that they had not actively sought priests to send to the Haslital, but had just allowed a search comittee to find priests in Unterwalden and lead them over the Brünig, and anyway, one of the priests was a Bernese, and the other from Zürich…).[12] By July 1528, the government of Bern was convinced that an attack by Unterwalden was imminent.

After a period of relative calm during the harvest period—while complaints, petitions, threats and counter-threats by subjects and rulers continued—matters quickly got out of hand at the end of September. Former subjects of the Interlaken monastery claimed, at a *Landsgemeinde* in Lauterbrunnen, that they had heard through their "dear and faithful neighbors and confederates" of Luzern and Unterwalden that they were in fact "free". According to this interpretation, the Interlaken abbot had not had the authority to hand them over to Bern in the first place. The archive of Luzern was said to hold "old charters" proving this claim. The representatives of the former subjects of the monastery demanded that mass, liturgy and sacraments should be reintroduced and that their "charters of liberty" be handed back to them. Otherwise, they would never again pay tithes nor other levies, and if Bern would not agree, they would initiate legal proceedings at a Confederate diet.[13]

These demands show the men assembled at the communal gathering in Lauterbrunnen as asserting their claim to a political position equal to that of the full members of the Confederacy—in fact, as willing to "turn Swiss". In imitation of the traditions upheld in Uri, Schwyz, and Unterwalden, they referred to supposed "old charters" (conveniently hidden in Luzern's archive tower) that would prove their original free-

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[11] Salat, "Memorial", p. 110.
[12] Salat, "Memorial", p. 110.
[13] Anshelm, *Berner-Chronik*, vol. 5, p. 297. See also Johannes Salat, *Reformationschronik, 1517–1534*, ed. Ruth Jörg, 3 vols. (Bern: Selbstverlag der Allgemeinen Geschichtforschenden Gesellschaft der Schweiz, 1986), vol. 2, p. 477.

dom. They also dared to cite Bern in front of the Confederate Diet, the assembly of the full members of the Confederacy, which itself could only be called in by these members. They thus continued a policy that had already been pursued by their grandfathers sixty years earlier: In 1477, a large number of "young" men, i.e. not fully established members of the local societies in the *Oberland*, had taken politics out of the hands of the Bernese magistrates and marched towards Geneva to force its government to hand over a sum of money the town had agreed to pay in order to avoid pillage. The men showed their political standing both by raising a banner in the manner of the sovereign communes and by their outspoken wish "to *also* take care of the Confederates' matters".[14] The continuous efforts of the peoples in the Bernese *Oberland* to "turn confederate", i.e. to gain the status of a full member of the Confederacy, were certainly taken seriously by the sovereign towns: When in 1532, Berchtold Haller of Bern and his counterpart as parish priest in Zürich, Heinrich Bullinger, discussed the latter's plan of Zürich abandoning the confederate pacts, Haller described the subjects in Bern's southern territories as very unreliable: The five (Catholic) states only needed to promise to make Thun and all of the *Oberland* and Aargau (also a subject territory) a full member of the Confederacy (*Ort*), and the subjects would break away from Bern.[15]

Matters came to a head when on September 29, 1528, a group of people from Interlaken and the Haslital destroyed the dam in the river Aare near Unterseen that served the monastery for fishing. This symbol of local ecclesiastical and economic power was a perennial favorite object of attack by rebellious peasants.[16] Bern's rulers summoned the rebels to appear in front of their courts, but to no avail. They then put troops in the castle at Thun, expecting at any time a combined attack by their own subjects and Unterwalden troops. At the same time, Bern called on its allies within the Confederacy for military support.

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[14] They want "zuo der Eidgenossen sachen ouch luogen": Ernst Walder, *Das Stanser Verkommnis. Ein Kapitel eidgenössischer Geschichte neu untersucht: Die Entstehung des Verkommnisses von Stans in den Jahren 1477 bis 1481* (Stans: Historischer Verein des Kantons Nidwalden, 1994), p. 19; Regula Schmid, "Die schweizerische Eidgenossenschaft—ein Sonderfall gelungener politischer Integration?" *Fragen der politischen Integration im mittelalterlichen Europa*, ed. Werner Maleczek (Ostfildern: Jan Thorbecke, 2005), pp. 413–448, here 435.

[15] *Heinrich Bullingers Briefwechsel*, vol. 2, eds. Ulrich Gäbler, Endre Zsindely, Matthias Senn et al. (Zürich: Theologischer Verlag Zürich, 1982), No. 140, p. 246 [quoted *HBBW*] and André Holenstein, "Reformatorischer Auftrag und Tagespolitik bei Heinrich Bullinger" (forthcoming).

[16] Bierbrauer, *Freiheit*, p. 277.

Unterwalden, fearing equally an attack by Bern, did the same. A number of *Orte* thus had to face the uncomfortable situation of being asked for help by both parties, on the basis of the confederate pacts. The outbreak of a civil war was imminent: Valerius Anshelm later described the moment as crucial for the decision, "where confederates, where allies, where co-citizens, where brothers in need" ("wo eidgnossen, wo pundgnossen, wo burger, wo brueder in noeten").[17]

On October 28, 1528, the eight hundred Unterwalden fighters crossed the Brünigpass displaying their communal banner. How to judge this fact became the crucial point of the later juridical dispute: Without doubt, Unterwalden's rulers had called up its troops officially with church bells and by public callers. It is also clear that they had sent messengers to neighboring Uri asking for military aid according to the old pacts. Uri assembled 600 men under their own steer-banner ("mit ofnem zeichen") at the Tellsplatte. This well established point of debarkation for crossing the lake of Uri towards the Unterwalden shore was intimately connected to the story of Wilhelm Tell: as described by Swiss humanists since the 1470s, the original hero of Swiss liberty had escaped his pursuers with a big leap at this very spot. An attack "under fully displayed banner" by Unterwalden was, of course, a clear break of the established pacts with Bern and thus a well-founded reason for responding to the aggression. However, Unterwalden later claimed, and Bern's documents actually agree, that it was not the head of the commune, the *Landammann*, but his substitute, a certain Hans Fruntz, who had ordered the *Landweibel* to raise the banner. (Incidentially and perhaps typically for this era suffused in mythical dimensions, this official was Kaspar von Flüe, grand-son of legendary Niklaus von Flüe).[18] Unterwalden's claim is also supported by the fact that Uri's leaders sent their troops home when they learned of the rushed attack

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[17] Anshelm, *Berner-Chronik*, vol. 5, p. 304.

[18] During the conflicts of the Swiss Reformation, both parties claimed Niklaus von Flüe as authority on peaceful cohabitation within the Confederacy due to the role he had played in bringing about the Stans Agreement of 1481. This treaty had put a (preliminary) end to an earlier conflict between the *Orte* that had brought the Confederacy to the brink of war. There were enough similarities in the political constellation of 1481 and the late 1520s to wish for another Niklaus von Flüe. See Walder, *Stanser Verkommnis*; Guy P. Marchal, "Die, Alten Eidgenossen' im Wandel der Zeiten. Das Bild der frühen Eidgenossen im Traditionsbewusstsein und in der Identitätsvorstellung der Schweizer vom 15. bis ins 20. Jahrhundert", *Innerschweiz und frühe Eidgenossenschaft, vol. 2: Gesellschaft—Alltag—Geschichte*, ed. Historischer Verein der fünf Orte (Olten: Walter, 1990), pp. 309–403.

by Unterwalden. The other neighboring states, Schwyz, Luzern, and Zug, had not even mobilized their troops.[19]

Even without this support, war seemed imminent. Three thousand soldiers from Zürich also stood ready to march. In this desperate situation, the weather, and possibly the fact that the Unterwaldner were well aware of the legal precariousness of their operation, started to play a crucial role and nudged events towards an almost ridiculously simple solution.

The documents on both sides describe how, while the Unterwalden troops and some locals occupied the Interlaken monastery, the rest of the men—the Protestant historian Anshelm estimates their number at 1300—remained first in the neighboring town of Interlaken, but retreated into and around the monastery when the Bernese musketeers (*Schützen*) reached the town. The Bernese troops were then augmented by the arrival of loyal men from Thun, Niedersimmental, and Emmental. Possibly the growing number of men, certainly the now very bad weather (it had started to snow) and the decision of the local administrative official (*Ammann*) of Unterseen, a certain von Ort, to leave Interlaken, eventually led to the retreat of the Unterwalden men back across the Brünig. The description here is not entirely clear, the Catholic side being rather vague about the facts and blaming von Ort's "unfaithful, dishonorable, treacherous undertaking by changing sides and thus separating, seducing, abandoning, putting apart, making miserable and destroying the poor people".[20] The Bernese accounts, on the other hand, give some illuminating details: When, on October 30, the cattle left the enclosed area of the monastery for their daily visit to the waters, some men on the Protestant side reverted to the time-honored practice of making off with them. When the occupiers of the monastery were rumoured to be plundering and destroying the monastery (it seems that they were, in fact, mostly occupied with a hearty sampling of the ecclesiastical wine), Bern's leaders ordered an attack but were stopped by a group of mediators present. The leader of the Bernese troops then took along fourteen men, staged an attack with loud shouts ("follow me, dear Bernese, the villains are fleeing, all

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[19] See Salat, "Memorial", pp. 115–116; Anshelm, *Berner-Chronik*, p. 307; *EA* 4, 1a, No. 594, p. 1426.

[20] Salat, "Memorial", S. 116: "Mitt dem trüwlosen, eerlosen, verräterschen fürnemen gedachter von Ort die armen lüt gantz zertrant, verfürtt, vnd verwystt, zerteyltt vnd gantz ellendett vnd zerstörwt, das sy zerfielend, vnd vnder eynander verlaassen…"

to me"),[21] thus triggering the hasty retreat of the remaining occupiers. The Bernese, wisely, decided not to pursue them across the now increasingly snow-covered pass.[22]

The victors' actions following these events took two directions. On the one hand, Bern's authorities punished their subjects harshly.[23] On the other hand, they brought Unterwalden's behavior to trial in front of the confederates. The accuser was the state of Bern, supported by Zürich; the defender, Unterwalden, was supported by the Catholic *Orte* Uri, Schwyz, and Luzern. The special confederate diet started on December 14 in Baden. By March 22, 1529, the mediators had worked out a treaty that seemed agreeable to both parties. But Zürich's plans went further than Bern's: Its authorities, and especially Huldrych Zwingli, intervened and finally convinced Bern not to seal the document.[24] Matters were thus still open when Zürich declared war on the five Catholic *Orte* on June 8, 1529—against Bern's wish.[25] Zürich supported its declaration of war with a printed manifesto dated June 9 that enumerates the causes for the attack: At the top of this list of Catholic "provocations" are Unterwalden's actions during the *Brünigzug*.

Historiography as Political Tool, 1529–34

The *Brünigzug* has so far been completely neglected by modern historians, as previously mentioned. This is even more surprising in view of its important position in contemporary sixteenth-century historiography:

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[21] Anshelm, *Berner-Chronik*, vol. 5, p. 309: "Hernach, lieben Berner, die bösswicht fliehend! harhar!"

[22] The events are described by Valerius Anshelm who relies heavily on both eyewitnesses and the contemporary documents of the Bernese chancellery. The basic course of events is corroborated by Catholic Hans Salat and a number of documents from Luzern—of course with a quite different interpretation of the facts.

[23] For this well-researched reaction of the authorities to their subjects' insubordination and the loss of freedoms the men of the Haslital had to suffer, see: Bierbrauer, *Freiheit*, especially pp. 278–279.

[24] Anshelm, *Berner-Chronik*, vol. 5, pp. 346–348; Salat, *Reformationschronik*, vol. 2, pp. 542–543: "Zwingli bit into the Unterwalden peace until it started to break" ("Zwingli beyß jnn Underwalder friden bis er anfieng brechen—"). On Zwingli's role see his two writings in: *Huldreych Zwinglis sämtliche Werke*, eds. Emil Egli et al., 18 vols. (Zürich: Theologischer Verlag Zürich, 1905–1991), vol. 6, 2, No. 132 and 134 and the pertaining commentary, pp. 318–344; 361–369.

[25] Statement by Niklaus Manuel in Zürich on June 3, 1529, in: *Niklaus Manuel Deutsch. Maler, Dichter, Staatsmann* (Bern: Kunstmuseum Bern, 1979), Document XXXVII, pp. 134–135 and no. 370. Commentary ibid., pp. 97–99.

The event stimulated the production of several official chronicles on both sides of the political-religious rift that were written by influential and outspoken defenders of the respective denominations. Moreover, the writing of the Protestant chronicles was pursued actively not just by the secular governments, but also by the main representatives of the new faith in Switzerland: Huldrych Zwingli and Heinrich Bullinger in Zürich, Berchtold Haller in Bern, and Joachim von Watt (Vadian) in St. Gallen. These were among the most learned men in the Swiss Confederacy, all participating in humanist discourses. With the exception of Zwingli, all were also historiographers of some standing. Finally, these chronicles were not written independently from each other. Textual similarities result, of course, from the common theme they treat. More surprising, however, is the fact that these official chronicles each refer to the political use to which the other camp put its chronicles. In view of the fact that the official chronicles were considered to be part of each commune's *arcanum* and that every measure was taken to keep the manuscripts secret, these references to the opponent's books of history not only need explanation, but are actually crucial to revealing the function of historiography as "politics by other means".

Along with many other chronicles, pamphlets, poems, and songs reflecting the *Brünigzug*, all from the Protestant side,[26] the state chronicles—i.e. continuous narratives in chronological order, set in the formal framework of the historiographical genre as defined by historians and rhetorical theory since the high middle ages, and financed by the commune—take the most prominent place. Bern and Unterwalden each

[26] Apart from the poem of Rhellikan mentioned below, other contemporary works include: 1) A song written by a man from Zürich (letter by Heinrich Bullinger to Barbara May of Bern in *HBBW* 3, No. 31 (second half of December 1528 or beginning of 1529); 2) Zürich, Zentralbibliothek, Ms A 69 No. 9: "Ein lied und gebeth uber das lass uns nit undertrücken als etlich den frommen von bern ire lút hattend unghorsam gemacht…" (printed in Carl Grüneisen, *Niclaus Manuel, Leben und Werk eines Malers und Dichters, Kriegers, Staatsmannes und Reformators im 16. Jahrhundert* (Stuttgart u. Tübingen: Verlag der J.G. Gotta'schen Buchhandlung, 1837), appendix 9); 3) Ein nüw Lied von der uffruor der landtlüten zuo Inderlappen…, in *Apiarius-Lieder. Dreissig Volkslieder aus den ersten Pressen des Apiarius im Faksimiledruck*, ed. Hans Bloesch (Bern: Schweizer Bibliophile Gesellschaft, 1937), No. XVI; 4) Zürich, Zentralbibliothek, Ms B 116: De tumulto Bernensium intestino, MDXXVIII, commentarius Osvaldi Myconii, Lucernani [c. 1530] (copy of the 16th c., printed in: *Historische und Critische Beyträge zu der Historie der Eidsgenossen* […] [by Johann Jakob Bodmer], part 4 [Zürich: Conrad Orell u. Cp., 1739], pp. 1–163). All Protestant historians—among them Johannes Stumpf, Heinrich Bullinger, Vadian, but also Berchtold Haller in a little chronicle written in c. 1534 and based on a draft version of Anshelm's chronicle (Bern, Burgerbibliothek, Mss. h.h. I, 116, copy)—treat the *Brünigzug* in their (later) works.

commissioned two such works. In both cases, one work contained a narrative of the event *Brünigzug* itself while the other covered a much longer time span.

On November 18, 1528, in the midst of deliberations with Zürich about how to proceed against Unterwalden's aggression, the entire government of Bern decided to produce an account of the "beginning, course, and end" of the *Brünigzug* with the intent of printing it. It appointed Niklaus Manuel, painter, author of highly influential plays, member of the government, and military leader (most prominently in the *Brünigzug*) and the town-scribe and outspoken Protestant Peter Cyro as authors.[27] On the same day, Bernese pastor Berchtold Haller informed his humanist friend and fellow Protestant, Joachim von Watt, *Bürgermeister* of St. Gallen of this plan. He explicitly asked his correspondent to keep the information secret.[28] However, the plan was obviously known among Protestants. During November 1528, Johannes Rhellikan (or, more simply, Müller), a Zürich teacher living in Bern, wrote a latin "elegy" on the *Brünigzug* addressed to "the Unterwaldner", "twice breaker of the covenant" ("foedifragus"). He exhorted his ennemies: "Historians already are writing down your bad deeds!" ("Historici scribent iam tua facta mala!"). Later, Valerius Anshelm would insert this poem into his chronicle.[29] Finally, the highest Protestant authority in the Confederacy, Huldrych Zwingli himself, was involved in the matter. In a letter to Zwingli, Valerius Anshelm mentioned a "cronica nostra" that was intended for the printing press.[30] Scholarship so far has interpreted the "nostra" as pertaining to one of Anshelm's writings. However, a closer examination of Anshelm's historiographical activities shows that neither

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[27] Bern, Staatsarchiv, A IV 189 (Instruktions-Buch), fol. 233r: "…anfang, mittell und end des inderlappischs kriegs und was mittler zÿt sich zuogetragen hatt schriftlichen ze verfassen, in kurtzem vergriff, unnd das in druck lassen ußgan damitt mencklich grund der warheitt vernemmen mog. Soelliche schrifft ze stellen ist min herr venner Nicluß Manúel unnd mir stattschrÿbern bevolchen unnd ist das ober durch min herren rhaett unnd burger bestaettigott…".

[28] *Actensammlung zur Schweizerischen Reformationsgeschichte*, 5 vols., ed. Johannes Strickler (Zürich: Meyer-Zeller, 1878–1884), vol. 1, No. 2173, p. 691.

[29] "Die Lücken im Jahrgang 1528 von Anshelms Chronik," Theodor de Quervain, *Kirchliche und soziale Zustände in Bern unmittelbar nach der Einführung der Reformation (1528–1536)* (PhD Diss. Bern, 1906), appendix 29, pp. 247–275, 261.

[30] Letter of Anshelm to Zwingli, October 28, 1528, in *Huldreich Zwinglis sämtliche Werke* eds. Emil Egli, Georg Finsler, 18 vols. (Berlin: Schwetschke, 1905–1991), vol. 9, No. 771, p. 587: "Inteream vellem, ut Basilee vel, atque mallem, apud te mihi casula conderetur, ubi, si nihil aliud operis acciderit, in excudenda cronica nostra, si frugi dignaque propetur, hyemem transigam."

of these identifications is convincing.[31] The chronicle mentioned is, in all probability, the account of the *Brünigzug*. However, the early date of the letter—October 28, 1528—shows that the plan for a narrative of the events of 1528 (the revolt in the *Oberland*, Unterwalden's support of the rebels, and eventually its aggression) must have existed among Protestant propagandists already before the actual *Brünigzug*. "Our chronicle" thus would refer to a historical narrative planned by those Protestant activists in Zürich and Bern who wanted to use a description of Unterwalden's activities as a means to marginalize the Catholic members of the Confederacy.

This plan for a Bernese account of the *Brünigzug* was not executed for a number of reasons. In view of the workload the two men appointed to the task had after October 1528, writing such a narrative or even putting together the pertaining documents could not have been their first priority. Second, it is likely that such a narrative was made superfluous by a more austere text, listing the accusations against Unterwalden, that was used during the special Diet of December 1529. Finally, a competing project had been around for a while, namely to continue the town's chronicle up to the present day. There is no information about discontinuing the plan for a Bernese chronicle entirely dedicated to the *Brünigzug* apart from the fact itself. But by January 1529, the plan had been abandoned.

On January 29, 1529, Valerius Anshelm, an early adherent to the Protestant cause and a medical doctor, was appointed by the entire Bernese government to continue the town chronicle[32] begun by Conrad Justinger in 1420 and continued by Diebold Schilling up to the year 1474. Until his death eighteen years later, Anshelm was employed as town historiographer, living with his family in a house provided by the government (a secularized former nunnery) and paid as a town's employee, eventually producing an archive based chronicle of imposing dimensions. Anshelm died in 1547 without having reached his present; the narrative stops in 1536, and the text covering the 1530s

[31] Gustav Tobler, *Die Chronisten und Geschichtsschreiber des alten Bern* (Bern: Schmid, Francke & Co., 1891), p. 48 assumed that the "cronica" meant the Catalogus Annorum (printed in a much enlarged version in 1540), the editors of Zwingli's work thought that this was the official chronicle. (Zwingli, *Sämtliche Werke*, vol. 9, p. 587, note 3.) However, Anshelm only got his instructions in January 1529, and the official chronicle was never intended for publication in print.

[32] The government's employment letter in: Anshelm, *Berner-Chronik* (1884–1901), vol. 6, p. XVI.

is partially fragmentary.[33] Only the first volume of the state chronicle was copied onto parchment during Anshelm's lifetime.[34] Copies of the three remaining volumes were completed by a number of scribes of the Bern chancellery in the years 1552 and 1558 respectively. The fourth volume eventually was bound in 1566, 20 years after Anshelm had made his last corrections in volume one and almost forty years after the *Brünigzug*. The four parchment volumes of the official chronicle of the state of Bern, along with Anshelm's draft, were stored in the town's archive where they were virtually forgotten. Only in the early years of the seventeenth century were they recovered by Michael Stettler who at that time was busy getting appointed as the continuator of Bern's state chronicle.[35]

The books and documents in Bern's archive relating to the time period Anshelm was treating evidently were used heavily by the chronicler. Whenever needed, Bern's town scribe Peter Cyro delivered a pile of material to Anshelm's house.[36] But the government supported its chronicler even further. Twice, the authorities asked governments of allied towns to support Anshelm's research by giving him access to local historiographers and even documents.[37] In Zürich, this approach obviously worked; Anshelm's chronicle contains a number of texts

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[33] Thus the rather complicated manuscript and editorial situation. The so-called "draft" is Bern, Burgerbibliothek, Mss. h.h. I, 47–50 (containing two draft versions and published in the partially very problematic edition Anshelm, *Berner-Chronik*, in six volumes); the official copy is Bern, Burgerbibliothek, Mss. h.h. I, 4–7 (unpublished). Two more publications need to be consulted: "Die Lücken im Jahrgang 1528; Adolf Fluri, "Die Lücken in Anshelms Chronik," *Anzeiger für Schweizer Geschichte*, Neue Folge 10 (1906–09), pp. 283–295. A discussion of the manuscripts and of Anshelm's proceedings is now in Schmid, *Geschichte im Dienst der Stadt*.

[34] Anshelm, *Berner-Chronik*, vol. 6, pp. XXIII–XXIV.

[35] On Stettler see Regula Schmid, "Die Chronik im Archiv. Amtliche Geschichtsschreibung und ihr Gebrauchspotential im Spätmittelalter und in der frühen Neuzeit," *Instrumentalisierung von Historiographie im Mittelalter*, ed. Gudrun Gleba (Oldenbourg: Akademie Verlag, 2000), pp. 115–138; Urs Martin Zahnd, "'Wir sind willens ein kronick beschriben ze lassen.' Bernische Geschichtsschreibung im 16. und 17. Jahrhundert," *Berner Zeitschrift für Geschichte und Heimatkunde* 67 (2005), pp. 37–61.

[36] As Heinrich Bullinger learned from Berchtold Haller when he tried to lay hands on Bernese archival material for his own historical work: Berchtold Haller to Bullinger, September 29, 1534, in: *HBBW*, vol. 4, No. 446, p. 331; Berchtold Haller an Bullinger, November 16, 1534, in: *HBBW*, vol. 4, No. 475, p. 403.

[37] Letter to Zürich (August 1529) in: Anshelm, *Berner-Chronik*, vol. 6, p. XVII, asking for help in tracing the chronicle of Zürich citizen Friedli Bluntschli. Letter to Zürich, Luzern, and Schaffhausen (June 10, 1530) ibid., pp. XVII–XVIII. The Bern government asked for material "that might serve the writing of the chronicle" because Anshelm had not found any more usable documents "in our archive and chancellery".

whose origins can be traced directly to Zürich sources. In the case of Luzern, the chronicler was less successful—not surprisingly so—as Anshelm's main focus is on the period after 1517, and his *Berner Chronik* is hence very much a "chronicle of the Reformation". The description of the *Brünigzug* event is thus put into the larger context of European, regional, and Bernese history. This meant, of course, that Bern's turn to reformed ways was presented as a development that logically and inevitably followed certain events, attitudes, and, above all, a predestined path. The manuscript form and the rather outspoken commentaries by Anshelm show with certainty that the text of the chronicle was never intended for external use. As we will see, however, the fact that the town's government had commissioned such a "secret" chronicle was made publicly known and became a highly influential factor of the politics of history in the Swiss Reformation.

In Unterwalden, the situation is astonishingly similar to the one in the much larger state of Bern. Here, the assembled councils of both Ob- and Nidwalden commissioned a "true" rendering of the *Brünigzug* from Hans Salat, a scribe in the Luzern chancellery, on July 26, 1534. On August 11 of the same year, after intense discussion and having compared the texts of the inserted charters word by word to the originals, the manuscript was deposited in the archive in Sarnen.[38] In the same year, Unterwalden purchased from Salat a manuscript of his "Chronicle of the Reformation".[39] Before copies were made for most if not all Catholic *Orte*, the work was censured and corrected probably by a representative of the Luzern government. As the writing of the *Reformationschronik* and the account of the *Brünigzug* for Unterwalden's government overlapped, the two texts are interrelated through numerous cross-references.

Like Anshelm and the Bernese historians before him, Hans Salat had demonstrated aptitude and interest in becoming a historiographer[40] long before he was entrusted by the governments of Luzern and Unterwalden to write their chronicles. As his diary shows, he collected interesting information (for example news of prodigies) that

[38] Where it is still today: Obwalden, Staatsarchiv, T2.CHR2. The only edition is: Salat, "Memorial".

[39] Salat, *Reformationschronik*.

[40] All authors of commissioned works actively searched for such an employ. Salat for example also tried to convince Catholic Glarus to purchase their own description of events: Salat, *Reformationschronik*, vol. 2, p. 489.

could be used for a chronicle since at least 1531, and he copied local and European historiographical texts as well.[41] His copies of the most important confederate treaties in a so-called *Bundbuch* were obviously made in order to provide a handbook for arguing Luzern's case in the legal deliberations after 1528.[42] Salat had, like Anshelm, access to the communal archives in both Luzern and Sarnen. In fact, a number of documents of the Unterwalden chancellery today are only accessible through his historical writings.

The keen interest both secular and clerical authorities showed in the writing of history, the fact that governments employed historiographers or purchased their work, Rhellikan's exhortations—all this indicates that historiography had a significant political dimension to it. But why did the communal governments consider it so important? The answer to this question lies first in the contemporary definition of the historical genre itself: In the middle ages, *Historia* was defined as "a narrative genre that contained true things, referred to an event (*res gesta*) and treated things in the past".[43] Among these general definitional elements, first and foremost came the idea that historiography contained only "true" matters. In the course of the middle ages, historiographers found different ways to realize this inherent notion of truthfulness. By the second half of the fifteenth century, the church fathers, the Bible and the other authorities known by all historians of the high middle ages had lost their standing as tools of reference.[44] Although historical writing was

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[41] For example Hans Salat, "Tagebuch", *Hans Salat, ein schweizerischer Chronist und Dichter aus der ersten Hälfte des 16. Jahrhunderts. Sein Leben und seine Schriften*, ed. Jacob Baechtold (Vaduz: Sändig, 1986; reprint of Basel: Bahnmeiers Verlag (C. Detloff), 1876), pp. 25–69, p. 35 (prodigy of a large flock of birds announcing (in hindsight) the first war of Kappel). The copies of the earliest historiographical texts of Luzern ibid. pp. 37–39; mention of a copy of the solemn entry of Karl V. in Augsburg ibid., p. 40. On Salat's sources and his collections cf. Ruth Jörg, "Johannes Salat (1498–1561)—wie ein Handwerker zum Beamten wird und eine Chronik der Reformationszeit verfasst," *Der Geschichtsfreund* 141 (1988), pp. 211–224.

[42] Luzern, Staatsarchiv, cod 1105, October 1533. See Salat, "Tagebuch"; Regula Schmid, "Bundbücher. Formen, Funktionen und politische Symbolik," *Der Geschichtsfreund* 153 (2000), pp. 243–258.

[43] Hans-Werner Goetz, "'Geschichte' im Wissenschaftssystem des Mittelalters," in Franz-Josef Schmale, *Funktion und Formen mittelalterlicher Geschichtsschreibung* (2nd edition, Darmstadt: Wissenschaftliche Buchgesellschaft, 1993), pp. 165–213, 172: "*Historia* war ein Erzählgenus, das Wahres enthielt, sich auf ein Ereignis (*res gesta*) bezog und Vergangenes behandelte." A survey of the theoretical discussion of the genre in the high middle ages in Schmale, *Funktion*.

[44] See the concise summary in: Peter Johanek, "Geschichtsüberlieferung und ihre Medien in der Gesellschaft des späten Mittelalters," *Pragmatische Dimensionen mittelal-*

still put under the protection of God and the saints (or, in the case of Protestant historiography, the Father, Son, and Holy Ghost), "truth" now was mainly effected by reference to eye witnesses, by quoting earlier historiographical accounts and naming their authors (who preferably had been eyewitnesses too), by referring to and/or quoting documents, monuments, archeological remains and the like, and even by discussing their dependability as sources of information, and by correctly fixing an event in the course of time and reflecting on the methods used for this purpose—in short, by means of considerations that later developed into key elements of modern critical historiography. At times, civic historiography also enhanced the truth of the matter by referring to the specific authority of the commune's government that had approved of or even corrected the text, and to documents that were only available through the commune's archive. This inherent truthfulness provided the historical genre with an authority that a legal argumentation or a satiric poem (to name just two possibilities) did not have.

In addition, history was written for posterity. The "eternal" validity of the written word was underscored by the materials used for the physical manifestation of historiography, the books. State chronicles were as a rule written on parchment, illuminated or at least written in an ornamental script, and bound lavishly in embossed leather. Again, volumes containing collections of documents preparing court cases tended to have a less permanent character, as did poems that usually only survived when they were copied into a chronicle.

Although its genre specifics provided historiography with potential for political use, they cannot sufficiently explain why the Bern and Unterwalden authorities chose chronicles as part of their political approach at this particular moment while other members of the Confederacy did not.[45] Here, local tradition and the specific situation of the two

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terlicher Schriftlichkeit, eds. Christel Meier, Volker Honemann et al. (München: W. Fink, 2002), pp. 339–357.

[45] This does not mean that historiographical activity was lagging behind in other communes. Heinrich Bullinger and Vadian were not only as Protestant politicians, but also as historians highly interested in a proper narrative of the events that had upturned Europe's and Switzerland's political situation. Bullinger asked Berchtold Haller at least twice to get sources from Valerius Anshelm for his own (private) chronicle (see footnote 36 above). Anshelm's handwriting appears in Johannes Stumpf's chronicle in Zürich, and he inserted texts written by Stumpf in his own book. Haller copied parts of Anshelm's draft, and one proof of Vadian's interest is the letter written by Haller in November 1529. This collaboration of the Swiss historians and humanists is not yet fully researched, for a slightly later example see Bernhard Stettler, "Studien zur

allies and opponents in the years 1528 to 1534 have to be taken into account. By the beginning of the sixteenth century, both Bern and Unterwalden looked back upon a vivid and longstanding tradition of communally supported historiography.

The first chronicle of the town of Bern was commissioned by the government in 1420 and executed by the former town scribe Conrad Justinger. In the 1430s, on order of the government, several additions were made to this manuscript, all pertaining to events that "should not be forgotten" by future generations of rulers.[46] By the late 1460s, the need for a continuation covering the time elapsed since 1430 arose. Diebold Schilling, also a scribe at the Bern chancellery and an experienced history-writer[47] was given the task to continue the town chronicle up to the present day. Schilling presented his three volume history, written on parchment and beautifully illuminated with over 600 pictures, to the government on December 26, 1483 as a New Year's gift.[48] According to Valerius Anshelm, who is the only witness to the fact, when Bern was hit by a devastating hailstorm in 1520, the government decided to record the generous help provided on that occasion by Fribourg and other allies. This again renewed the interest in a continuation of the existing chronicle up to the present. As Valerius Anshelm had just presented a latin *Weltchronik* (the so called *Catalogus Annorum*)[49] to his "lords" of Bern, he was considered a valid historiographer. Possibly for reasons related to the outspoken Protestant views by Anshelm and his wife Elsbeth Huber, however, plans to hire Anshelm for the continuation chronicle were not put into effect in 1520.[50]

Geschichtsauffassung des Aegidius Tschudi" *Aegidius Tschudi, Chronicon Helveticum*, part 2, ed. Bernhard Stettler (Bern: Selbstverlag der Allgemeinen Geschichtforschenden Gesellschaft der Schweiz, 1974), pp. 7*–97*.

[46] *Die Berner-Chronik des Conrad Justinger*, ed. Gottlieb Studer (Bern: K.J. Wyss, 1871); A. Perrin, "Verzeichnis der handschriftlichen Kopien von Konrad Justingers Berner Chronik," *Berner Zeitschrift für Geschichte und Heimatkunde* (1950), pp. 204–229.

[47] Ernst Walder, "'Von raeten und burgern verhoert und corrigiert. Diebold Schillings drei Redaktionen der Berner Chronik der Burgunderkriege," *Berner Zeitschrift für Geschichte und Heimatkunde* 48 (1986), pp. 87–117.

[48] Diebold Schilling, *Berner Chronik*, Faksimile, eds. Hans Bloesch and Paul Hilber, 4 vols. (Bern: Aare-Verlag, 1942–1945). (Bern's calendar used the 'nativity style' where the year starts at Christmas.)

[49] Published in much enlarged form in 1540 (and again in 1550): Valerius Anshelm, *Catalogus annorum et principum geminus ab homine condito, usque in praesentem, a nato Christo, millesimum quingentesimus & quadragesimum annum deductus & continuatus* (Bern: Matthias Apiarius, 1540).

[50] Regarding this plan, see: Anshelm, *Berner-Chronik*, vol. 4, p. 386.

In Unterwalden, the first known official chronicle is contained in the "White Book of Sarnen". This book was written mostly by the communal scribe (*Landschreiber*) Hans Schriber and dates from around 1470. It not only contains copies of the charters considered most important by Unterwalden's political leadership of the time, but also a humanist rendering of the beginnings of the Confederacy with the alliance of Uri, Schwyz, and Unterwalden against noble tyranny and the continuous growth of the Confederacy, rendered famous by the fact that we find here the oldest coherent version of the story of William Tell and Switzerland's rise to freedom.[51] It is interesting to note that a version of Justinger's chronicle (as well as a version of a Zürich town chronicle of the 14th century) was available to Schriber when he wrote his account.

While Unterwalden's governors followed the example of their ancestors, Hans Salat, the Luzern scribe, delved into the tradition of his own town. Here, members of the chancellery had written annalistic notes and historical accounts in the town's books (*Stadtbücher*) since the middle of the fourteenth century. The line of historiographers in the chancellery remained virtually uninterrupted throughout the fifteenth century.[52] At the end of the fifteenth century, this *Stadtbuchchronistik* was completely replaced by chronicles per se, i.e. books dedicated entirely to history.[53] At the beginning of the sixteenth century, two chronicles were produced that became highly influential: the 1507 printed *Kronica* by Petermann Etterlin,[54] and the lavishly illuminated *Luzerner Chronik*

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[51] *Das Weisse Buch von Sarnen*, ed. Hans Georg Wirz (Aarau: Sauerländer, 1947). This core story of Swiss nationalism has of course received considerable attention. The most recent scholarly interpretations are in Walter Koller, "Wilhelm Tell—ein humanistisches Märchen," *Aegidius Tschudi und seine Zeit*, eds. Katharina Koller-Weiss, Christian Sieber (Basel: Krebs, 2002), pp. 237–268 and Randolph C. Head, "William Tell and His Comrades: Association and Fraternity in the Propaganda of Fifteenth- and Sixteenth-Century Switzerland," *The Journal of Modern History* 67 (1995), pp. 527–557.

[52] Konrad Wanner, "Schreiber, Chronisten und Frühhumanisten in der Luzerner Stadtkanzlei des 15. Jahrhunderts," *Jahrbuch der Historischen Gesellschaft Luzern* 18 (2000), pp. 2–44.

[53] The notion of "Stadtbuchchronistik" in Klaus Wriedt, "Geschichtsschreibung in den wendischen Hansestädten," *Geschichtsschreibung und Geschichtsbewusstsein im späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke, 1987), pp. 401–426. On Luzern: Schmid, "Chronik"; Regula Schmid, "Ego Wichardus et frater meus Rupertus. Der Traditionsrodel des Klosters Im Hof in der Geschichtsschreibung des 13. bis 16. Jahrhunderts," *Jahrbuch der Historischen Gesellschaft Luzern* 22 (2004), pp. 42–58.

[54] Petermann Etterlin, *Kronica von der loblichen Eydtgnoschaft, jr harkommen und sust seltzsam strittenn und geschichten*, ed. Eugen Gruber (Aarau: Sauerländer, 1965).

of 1513 written by Diebold Schilling,[55] son of the Luzern town scribe Johannes Schilling and nephew of Bern's scribe and chronicler of the same name.[56]

In his *Reformationschronik*, presented to all Catholic cantons in the years following 1534, Hans Salat explicitly linked himself to Petermann Etterlin, as man from Luzern, Confederate, scribe, and historian. Etterlin had dedicated his chronicle to all the Confederates and their allies, and was in fact the first to write a history of the entire Confederacy.[57] By claiming direct succession to Etterlin and by explicit textual references, Salat attempted to show how Luzern and the Catholic *Orte* in the Confederacy had acted in accordance with the doings of the "true, old" Confederates while the Protestant states were apostates both to the faith and to the confederate values as expressed in the alliances.[58] Salat placed the events of the Reformation within an uninterrupted course of history since the beginnings of the Confederacy the way Anshelm had done in regard to the foundation of Bern. Thus, both the men who took the *Brünigzug* as impetus for commissioning chronicles and the chroniclers themselves were influenced by a longstanding tradition.

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[55] *Die Luzerner Chronik des Diebold Schilling, 1513. Faksimile-Ausgabe der Handschrift S.23 fol. in der Zentralbibliothek Luzern*, ed. Alfred A. Schmid (Luzern: Kunstkreis; Faksimile-Verlag, 1977–81).

[56] Schillings chronicle became influential only in the second half of the 16th c., when Renward Cysat used it for his own political purposes. See Regula Schmid, "Geschichte im Bild—Geschichte im Text. Bedeutungen und Funktionen des Freundschaftsbildes Uri-Luzern und seiner Kopien (ca. 1450 bis 1570)," *Literatur und Wandmalerei I. Erscheinungsformen höfischer Kultur und ihre Träger im Mittelalter. Freiburger Colloquium 1998*, eds. Eckart Conrad Lutz, Johanna Thali, René Wetzel, (Tübingen: Niemeyer, 2002), pp. 529–561.

[57] Salat, *Reformationschronik*, vol. 1, p. 36: "…because I want to describe, if God will, like master Petermann Etterlin all the things that concern the entire Confederacy up to the present day—, its origins, the actors, the times, in what lands and territories, some of their statutes, especially the most important ones, and how they opposed each other and are still opposing each other…".

[58] The most concise reference to the fight for freedom of the "founders of the federation" ibid., vol. 1, p. 27. Cf. also Salat, "Memorial", p. 124: "We believe that, once upon a time when people honored the holy Sacrament, there was much more luck, victory, peace and unaminity than now in those places where it is dishonored and refused. We cry to God and ask him humbly that he shall take pity upon us and take away his rod and punishment and lend us all unity, peace and his grace so that we all stay together and may keep house and govern as of old." ("Vns wil bedunken es sig vorhar, wo man das hochwirdig Sacrament in eeren ghan, vil mee glück, sig, frid vnd eynigkeyt gsyn, dann jetz an denen orten, da man das veracht vnd verschmächt, Gott sig es clagtt, den bittend wir demütiklich, er welle sich über vns all erbarmen, sin ruten vnd straaf von vns wenden vnd vns allen eynikeytt, frid vnd sin gnad verlichen, damit wir all by eynandern blyben, hus han vnd regieren mogend wie von allter har.")

The characteristics of the genre explain why historiography might be used in a political context in the first place. Local tradition made this even more likely—e.g. in Bern and Unterwalden in the late 1520s—and provided the setting for historical interpretation. But in order to understand why a specific chronicle came into existence, we also need to look further at the unique historical circumstances in which it emerged. The *Brünigzug* as an event that triggered the writing of history is prominent in this respect, but so are the audiences which the authorities of Bern and Unterwalden had in mind when they commissioned historiographical works.

In Bern, the ground for producing a historical account of the events of the day had been prepared by Anshelm's attempts to seek appointment as historiographer, and by the activities of the learned promoters of the Protestant cause. But one incident during the *Brünigzug* seems to have pushed the Bernese government over the brink: One of the fifteen men who had brought about the flight of the Unterwalden force by crying "the villains are fleeing" was a certain Hans Frisching. He had been banned from Bern in 1522 for drafting mercenaries illegally and had moved to Fribourg where he obtained citizenship rights. In the following years he tried in vain to return to his hometown. Eventually, Frisching gave up his Fribourg citizenship and moved to Thun where his brother-in-law, Niklaus Manuel, had just been appointed head of the Bern garrison. From here, he participated in the fight against the Unterwalden invaders and became one of the fifteen men who turned the tide in the siege of the Interlaken monastery. While the government had earlier refused to allow him to regain Bernese citizenship, referring to Bernese law as written down in its book of statutes (*Handfeste*), it now changed its mind under the impression of the easy victory and under heavy pressure by members of Bern's larger council, subjects, and participants in the march to Interlaken. An important minority in the town councils criticized this move heavily and eventually obtained the decision that the "imperial" law of the town should never again be undermined.[59] On this occasion, the government also agreed that this decision and the causes for it should be written down in the *Handfeste* or in "the chronicle" in order that this act of grace should not become

[59] Adolf Fluri, "Hans Frisching 1486–1559," *Neues Berner Taschenbuch* 35 (1930), pp. 1–61; Barbara Braun-Bucher, "Frisching (von)," *Historisches Lexikon der Schweiz* (http://www.hls.ch).

a precedent.[60] Thus, on November 5, the town government considered the continuation of the Chronicle of Bern, addressed to the inner circle of the future political leaders and destined to be, like the book of statutes, part of the city's *arcanum*.

What then was intended by chronicling the *Brünigzug*? Who was to be the readership of the printed work? Three clues are provided by Protestant writers and the Catholic Hans Salat: First, in the already noted November 1528 "Elegy", Rhellikan exhorted "the Unterwaldner" with the words: "Historici iam scribent tua facta mala!" Second, Bern and Zürich decided on writing the history of the *Brünigzug* (its "beginning, course, and end") in the middle of deliberations on possible reactions of their governments.[61] In a special diet called forth by Bern and Zürich and starting in Baden on December 14, Bern's representatives (among them Niklaus Manuel) enumerated Unterwalden's crimes in a long opening statement that indeed named the "beginning, course, and end" of the *Brünigzug*.[62] A final clue is given by Hans Salat. In both his *Reformationschronik* and his account of events for the Unterwalden government, he explicitly (and sarcastically) affirmed that the Bernese had written down the events of the *Brünigzug* in "their new chronicle and eternal writings they have made about their past manly deeds of

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[60] "Lücken im Jahrgang 1528", p. 263; Bern, Staatsarchiv, A II 99 (Ratsmanuale 219), p. 166 (November 5, 1528): "Frischings halb. Wo die im veld in das nachgelassen, uff pitt dero von statt und land, burgrecht z'Fryburg uffgen. Jn die cronick und handvesti gesetzt und verkumpfft das kein nachvolg sye andern, unnd der handvesti an schaden." Cf. Letter of the same date (Bern, Staatsarchiv, A III 20, fol. 95r): "Doch wellen wir luter vorbehallten haben, das soellichs gegen andern nitt in nachvolg zogen werde, sonders unser handveste hinfurt ane inbruch und soll alldan der knopf widerumb zuosammen zogen werden *und in die kronik oder handveste eigentlich geschriben, uß was ursachen das beschechen sye*, damitt sich niemands harnach sollicher gnad getroesten mog etc." Anshelm's use of this paragraph is proven by the "reading mark" he left on the page as well as by the fact that the story appears in his chronicle.

[61] During these days, a number of mediators were also present in Bern—among them Jacob Sturm of Strasbourg: Brady, *Politics*, p. 99. On Sturm's role cf. Rudolf Dellsperger, "Zehn Jahre bernischer Reformationsgeschichte (1522–1532)," *450 Jahre Berner Reformation. Beiträge zur Geschichte der Berner Reformation und zu Niklaus Manuel* (Bern: Historischer Verein des Kantons Bern, 1978), p. 47. A summary of the deliberations of the Bernese government and representatives from Zürich in Bern from November 16 to November 18, 1528 as noted in Bern, Staatsarchiv, Instruktions-Buch, quoted in: *EA* 4, 1A: 2, No. 599eI. 2, p. 1444.

[62] *EA* 4, 1a, No. 608 g (Baden, December 14, 1528). The opening argument is summarized in Anshelm, *Berner-Chronik*, vol. 5, pp. 328–331; the entire text is only available through Salat, "Memorial", pp. 118–221.

iconoclasm", a fact of which "they have publicly praised themselves during their accusations in Baden".[63]

Salat wrote these words in 1534. This explains why he conflated the two projects—the description of the *Brünigzug* and Anshelm's chronicle that indeed contains the "manly deeds of iconoclasm". That Anshelm was writing such a chronicle was known in Luzern since its government had been asked for access to archival material by their Bernese neighbors in June 1530. Even more telling is the fact that his words reflect exactly Rhellikan's "Historici iam scribent tua facta mala" of November 1529. As will be shown, Bern's representatives at the diet of December 1529 had threatened their opponents with an effective political weapon: historiography as container of eternally valid truth.

Such historiographically underscored truth was aimed not only at the government of Unterwalden (and its Catholic allies), but also and mainly at potential supporters of the Protestant cause. Although the planned description of the *Brünigzug* ultimately was not realized, there are other printed pamphlets that show how such a publication might have been put to effect. In the physical and ideological context of the wars of Reformation in the Confederacy the most pertinent examples are two manifestos published by Zürich.

The first pamphlet dated March 3, 1529, elaborates in twenty-five articles all insults and actions of the Catholic *Orte* against Zürich and the Confederacy as a whole.[64] Addressed to all inhabitants of Zürich's territory, it juxtaposes the loyalty of all Zürchers to the confederate pacts against the disloyalty of the Catholic allies. By quoting the *Brünigzug* in the same sentence as a plan of (unnamed) Catholic *Orte* to take over the little towns of Mellingen and Bremgarten that were in Zürich's sphere of influence,[65] the aggression against Bern is framed as an aggression

[63] Salat, "Memorial", p. 106: The Bernese have written down "semlich hendel vnd sachen alle in ire nüwen cronicken, so sy von iren vergangnen mannlichen taaten der bildstürmung gemacht"; ibid., p. 145: they have "es in jr nüw gesetzten cronecken vnd ewig schrifften verfassen, begryffen vnd stellen lan des sy sich denn jn ir clag zuo Baden ouch offenlich berümptt hand".

[64] This manifesto was printed in Heinrich Bullinger, *Reformationsgeschichte*, eds. J[ohann] J[akob] Hottinger, H[ans] H[einrich] Vögeli, 3 vols. (Frauenfeld: Beyel, 1838–1840), vol. 2, pp. 67–74.

[65] Manifesto, quoted in Bullinger, *Reformationsgeschichte*, vol. 2, p. 72: "Habend etliche Ort, dero nammen man wol weyßt, understanden, Mellingen und Bremgarten ynzenemmen, glych inn dem, als die Underwaldner, unsern lieben Eydgnossen unnd Christenlichen Mitburgeren vonn Bernn, mit ufgereckter offner Paner, was spieß und stangen tragen mocht, wider alle Puendt, Eer, Eyd, Brieff und Sigel, ouch unabgesagts

against Zürich and all Protestant members of the Confederacy. By claiming that all Catholic *Orte* supported this blatant violation of the confederate pacts, the manifesto thus raises the strictly local event onto the level of a civic and religious war.

This argumentation is continued in another pamphlet of June 9, 1529 that accompanied Zürich's declaration of war on the Catholic *Orte* of June 8.[66] It was addressed to all Christians, especially all Christians living in the sphere of influence of the Confederacy.[67] First and foremost in this legitimization of the declaration of war is Unterwalden's invasion of Bernese territory. Zürich added this printed pamphlet to letters asking its allies for support on the basis of the confederate pacts, quoted it permanently in correspondence with friends and foes alike and, in the course of the following months, distributed it to all parties involved in the preparation or mediation of the war. One of the addressees must have been Jacob Sturm who became the most prominent mediator and eventually peacemaker between Protestant and Catholic Confederates in June 1529.[68] Both sides agreed that these two manifestos were connected, and they represented the two decisive steps in the preparation of the war.[69] It can be assumed that a printed description of the *Brünigzug* would have further supported Zürich's position.

After the short-lived peace treaty of June 1529, the effects of these propagandistic tools were immediately felt in the Catholic states of the Confederacy. On May 7, 1530, representatives of Uri, Schwyz, Unterwalden, Luzern, and Zug conferred on their future policy against Zürich and its allies. They especially feared that Zürich would continue to collect and write down all actions taken by their opponents as they had done in order to put together the manifesto legitimizing their declaration of war in 1529. They decided to imitate their enemies by ordering the Luzern scribes to write down all infringements of the pacts,

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kriegs, wider unser alte truew und arbeyt, so wir Eydgnossen miteinandern in lieb und leyd getragen, in jr land zugend."

[66] Zürich, Staatsarchiv, III AAb 1.1. Printed in: *EA* 4, 1b, Nr. 123, 3), pp. 225–227.

[67] Zürich, Staatsarchiv, III AAb 1.1: "Allen christgloeubigen menschen und in sunders denen, so in unser Eydgnoschafft von orten und zuogewandten wonend…".

[68] Brady, *Politics*, p. 100.

[69] Anshelm, *Berner-Chronik*, vol. 5, pp. 363–364; Heinrich Bullinger, "Salz zum Salat", *Hans Salat, ein Schweizerischer Chronist und Dichter aus der ersten Hälfte des 16. Jahrhunderts. Sein Leben und seine Schriften*, ed. Jacob Baechtold (Vaduz: Sändig, 1986; reprint of Basel: Bahnmeiers Verlag (C. Detloff), 1876), pp. 225–258, 232; Salat, *Reformationschronik*, vol. 2, p. 332.

of the *Landfrieden* of 1529 and of other agreements by Zürich, Bern and the other Protestant towns. Such a collection, they agreed, would come in handy in case they had to "remind" the "common man" with facts and arguments.[70]

Although there is no indication that the political leaders of the five *Orte* actually intended to thus collect material for a work of historiography, Hans Salat claims that this decision directly led to his Chronicle of the Reformation. And he sharpens the language of the decision by adding that the "common man" should not only be "reminded", but also "incited" by such "facts and infringements".[71] Furthermore, the chronicler went beyond the scope of his commissioned assignment by adding a reference to the Bernese chronicle. Whilst expressing the fear that "the Zürcher and their allies" were still writing down all actions by the Catholics, he adds, in brackets: "a year ago, they [the Protestants] ordered the recording of their honorable deeds in Bern into a chronicle".[72] And that is why he ends the paragraph, "this description contains everything, conflicts and facts, that happened in the praiseworthy Confederacy since 1517 up to the end of this year 1534, and their true substance and causes".[73]

By that time, the Unterwalden authorities were convinced of the political value of a historiographical work. Their reasoning is put down in the prologue to Salat's account of the *Brünigzug*. Here, Unterwalden claims that even after the *Landfrieden* of 1531, the Bernese continued to aggress verbally the Catholic members of the Confederacy especially by writing their "new chronicle". With the death of the present generation, it was felt that the knowledge of the true events would be lost. It was

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[70] Salat, *Reformationschronik*, vol. 2, pp. 915–916.

[71] Compare Luzern, Staatsarchiv, TA 12, fol. 191r as quoted in Salat, *Reformationschronik*, vol. 3, p. 42: "…mit jren schribern ernstlich zuo verschaffen, das sy acht haben, was Zürich, Bern unnd die luterschen stett handlent wider die pündt, den gemachten lanndtzfriden unnd der glichen verschribungen, uffzeichnenn unnd jn geschrifft fassen, ob es hienach, da gott vor sy, darzuo komenn, *das wier ouch glimpflich ursachen, denn gemeinen mann damit zuo erjnneren*, darzuothuon hettent…" and Salat, *Reformationschronik*, vol. 2, p. 916: "…*das sj ouch glimpflich ursachen und widerhandlungen den gemeinen man damit ze erjnnern/und jncitiern*/dar zuo tuon hettend…".

[72] Salat, *Reformationschronik*, vol. 2, p. 916: "…waer sich ouch zuo versechen/sy taetends noch/nit minder dann vor—(ja dann sy hand vor jar und tag jr redlichen thaten/zü Bern ein cronick setzen lassen) …".

[73] Salat, *Reformationschronik*, vol. 2, p. 916: "Darumm nun dise beschrybung jnnhallt alle ding/hendell und sachen/ergangen by einer l[oblichen] Eygnoschaft/sid dem 1517den jar und durch die wider und für verhandlett/bis zuo end dis 1534 jars/wie wol kurtz doch alles und jedes/rechte ware substantz und grund—"

predictable that the Bernese would one day use their narrative in order to put pressure on Unterwalden. Unterwalden's own historiographical work would "shut up" the Bernese ("das mul verstopft"), and future Unterwalden leaders would have a means against further aggression. In addition, the chronicle would prevent the descendants from believing the Bernese and thus blaming "us, their ancestors and at present governors and regents" and assume that "we were perhaps the ones who had not been responsible leaders".[74] The sources do not permit a closer look at the social and political situation within Unterwalden in the year 1534; it may be assumed, however, that the leadership was put under pressure by more radical factions within the commune. Thus, the political use of this chronicle of the *Brünigzug*, put in the archive in a single manuscript on parchment, embellished with three illustrations, and bound in embossed leather, was as much aimed at the political opponents of the time as at future generations of Unterwalden leaders. It was directed as much towards outside enemies as it was piece of legitimization aimed at inside critics.

Conclusion

Obviously, sixteenth-century politicians did not consider the *Brünigzug* as an unimportant skirmish in the Alps that turned into a national embarrassment, as modern historians have. On the contrary, they perceived the events of fall 1528 as crucial for the future course of the Confederacy as well as for their own destiny. Historiography provided a means for understanding the complex tangle of events, but even more, it became, in these years and for the governments involved, a political weapon. Only by comparing the historiographical production of a political region in its entirety is it possible to establish that the political uses of historiography went far beyond its function as a reservoir of arguments for legitimation and propaganda. During the Swiss Reformation, which was as much a political as a religious event, historiography became a tool that the sovereign governments routinely used. Whereas this practice can be traced in other areas of the Holy Roman Empire

[74] Salat, "Memorial", p. 106: It should be prevented that the descendants believed the Bernese and "vns, alls ire vordern vnd der zytt obern vnd regenten zu schmächen, verdencken, vnd zum teyl hassen, nach tod vnd abgang, mitt argwan, wir weren vilicht die gsyn, wie inen zugeredt, so kein verantwurt funden."

as well, the manifold and close connections between the chronicles, and especially the fact that talking about historiography became part of the political discourse, might well be a phenomenon unique to the Confederacy. At any rate, this for Europe increasingly unusual conglomerate of states was held together on the basis of frequent and intense communication that allowed continuous collaboration, but was also the source of much competition and strife. The same structure moreover explains the specific relationship of state historiography and politics in the Confederacy. Local experience, the influence of learned scribes, and individual, unpredictable events, but above all, competition with their allies-turned-opponents led in both Bern and Unterwalden to very similar historiographical realizations and uses of historiography in politics. It is not surprising that the Protestant city-state with its much greater material and human resources led the way. It is rather surprising, however, that smaller Unterwalden's government did not hesitate to take the same measures in a war of words. Acquiring a secret chronicle aimed at "shutting up" the enemy, ultimately was a most "confederate" action. After all, imitating and absorbing elements of the political culture of one's opponents and allies was the way the Swiss community of urban and rural communes had found its own political language, rituals, and history since the time of their first alliances.

"AND BLOOD RAINED FROM THE SKY": CREATING A BURGUNDIAN IDENTITY AFTER THE FALL OF BURGUNDY

Kathryn A. Edwards

On Valentine's Day 1481 it rained blood in Dijon, capital of the duchy of Burgundy. Especially soaked were the castle, which King Louis XI of France had recently begun, and the Franciscan convent where the town council met. Five weeks later Dijon experienced another bloody rainfall, shocking the residents and defying Louis XI, who scoffed at reports he had received about the first one and prohibited any interpretations of such a portentous event. Ignoring Louis's ban, the heavens continued to pour gore on Dijon, and the succeeding years would see other ominous signs in the heavens above the capital of ducal Burgundy.

Despite the horror these downpours should have engendered, no Dijon chronicle, letter, or town council deliberation mentions them. Instead, they were reported in such effusive detail by Jean Ludin, one of twelve governors who administered the imperial city of Besançon. From his vantage point less than fifty miles east of Dijon, Ludin set down his impression in a brief memoir, one of three small, vernacular texts from the period that provide contemporary Comtois reactions to the tumultuous events of the later fifteenth century.[1] The largest at thirty-three folio pages, Ludin's memoir primarily focuses on traditional topics: battles, rumors, famine, plague, and the actions of the mighty. Bisontin politics and rituals were especially important to Ludin; his response to losing the council seat that he had held for twenty-seven years to a "mere apothecary" is a fascinating study in injured pride, political manipulation, and pure vitriol. Throughout his memoir also runs an implicit theme that links his obsession with personal status,

[1] Bibliothèque municipale de Besançon [hereafter BMB], mss. 1012 ("Description faicte à l'honneur de la noble cité de Besançon"), 1029 ("Antiquitez de Besançon"), and 1042 ("Mémoire de Jehan Ludin citoien de Besancon de larrivé de lempereur frederic aud Besancon et autres choses remarquables arrives de son temps"). I have transcribed part of Ludin's chronicle in my Ph.D. dissertation: *Families and Frontiers: Urban Reactions and Re-creations on the Burgundian Border, 1477–c. 1530* (University of California, Berkeley, 1993). All titles and quotations will follow the original spelling.

so typical of urban elites in the late fifteenth and sixteenth centuries, to broader events in the duchy and county and gives meaning to his odd, atypical reports of bloody rain: the qualities of a true Burgundian. For Ludin and other Comtois chroniclers of his time, being Burgundian in the early modern Franche-Comté was a process of assertion and distinction. They asserted a perpetual personal, spiritual, and geographic connection between themselves and their overlord, while distinguishing between themselves and other "false" Burgundians who repudiated the qualities that they saw as fundamental to "true" Burgundianness.[2] Betrayals of "true" Burgundianness, such as those by Dijon's oligarchs, necessitated heavenly commentary. Dijon's bloody rainfalls in particular were appropriate signs of Dijon's treachery best appreciated by legitimate and loyal Burgundian subjects, such as Jean Ludin, precisely because of the plurality of meanings associated with blood in the late fifteenth and early sixteenth centuries.

Such a strong bond between perceptions of the Burgundian dukes and Bisontin oligarchical identity can appear paradoxical given the determination with which these same oligarchs asserted the prerogatives that came with Besançon's status as an imperial city.[3] They stressed any legal and fiscal distinctions between Besançon's residents and those of the county of Burgundy, which surrounded the city and which the Valois Burgundian dukes ruled as counts. Yet throughout the second half of the fifteenth century, the jurisdictional, financial, and ideological ties of Besançon's only oligarchs to the Burgundian dukes were strong, despite their assertions of imperial autonomy. Although a city of approximately 6,000, Besançon only controlled a small hinterland and remained dependent on the neighboring county for most of its food and raw materials. During disputes with its archbishop in the

[2] In this sense, Besançon's elites and the residents of the county emphatically rejected the political model of the league responsible for the death of the last Burgundian duke: the Swiss. Despite some concern by Maximilian I that the region might "turn Swiss" in the 1490s, there is no convincing evidence that Besançon's and the county's urban leaders ever seriously considered it. For the concept of "turning Swiss" as developed in the politics and identities of the German southwest, see Thomas A. Brady, Jr., *Turning Swiss: Cities and Empire, 1450–1500* (New York: Cambridge University Press, 1985).

[3] In this article, I have chosen to use the most common appellations for the county's rulers: the Valois dukes or the Burgundian dukes. Although clearly they held the Franche-Comté as the counts of Burgundy, traditionally scholars have referred to them using their most prestigious ancestral title. Given that this article is not attempting to distinguish administrative and fiscal prerogatives due to the Valois in the duchy and county—itself a complex task—for the sake of brevity I have followed common terminology.

mid-fifteenth century, it turned to Duke Philip the Good to become its captain and guardian, although ostensibly he acted as merely an imperial representative. By 1477, Besançon's leading families provided courtiers to the dukes and lawyers for ducal and comital courts, including the parlements in the duchy and county, based in Dijon and Dole respectively. Besançon relied on ducal military might for security and generally cooperated with the duke's military representative for the county. In turn, the duke's regional representative implicitly recognized the value of Besançon by maintaining a townhouse in that city rather than in the county's capital, Dole.

The death of the last Valois duke of Burgundy, Charles the Bold, in January 1477 threatened these arrangements by throwing sovereignty over ducal possessions, including the county, into dispute and, at times, giving Besançon's elites a much more formidable and invasive claimant to the county and their guardianship. Louis XI of France was quick to exploit the confusion among the duke's followers and immediately sent armies into the duchy and county. By March 1477 the duchy had ceded to his authority, its leaders accepting the face-saving fiction of Louis holding the province in a "protectorate" for Mary of Burgundy, Charles' only surviving heir and future wife of Maximilian I of Austria. Dijon's oligarchs had been among Louis's first and most enthusiastic supporters and benefited accordingly.[4] The situation in the county and Besançon was more confused, and its residents and lords vacillated between submission and defiance for the next two years. Even once Louis gained de facto control of the county and its enclaves, such as Besançon, in 1479, the "question of Burgundy" was far from resolved. Sovereignty over the county and the captaincy of Besançon changed hands again in 1493, and their status remained disputed in treaties between France and the Empire through the 1520s. Claims to the county and to the count's prerogatives would appear in documents such as the Peace of Augsburg and the Treaty of Westphalia, although most scholars believe they were token protests. The products of these disputes were far from token, however. Fear of marauding troops would continue to affect the

[4] The work of André Leguai is particularly useful for understanding the duchy's conquest and its immediate aftermath in Dijon: "Dijon et Louis XI, 1461–1483," *Annales de Bourgogne* 17 (1945): 16–37, 103–15, 145–69, and 239–63; idem., "Troubles et révoltes sous le règne de Louis XI: les résistances des particularismes," *Revue historique* 249 (1973): 285–324; idem., "La Conquête de la Bourgogne par Louis XI," *Annales de Bourgogne* 41 (1976): 7–12; and idem., "Les Oppositions urbains à Louis XI en Bourgogne et en Franche-Comté," *Annales de Bourgogne* 53 (1981): 31–37.

policies of regional lords and town councilors, such as Jean Ludin, well into the sixteenth century.[5]

Besançon's leaders, a group to which Ludin belonged, both feared for their future and saw an opportunity when Charles the Bold died in January 1477. Charles's death removed the most ready source of preference and profits for Besançon's elites and replaced him with a ruler, Louis XI, who seemed to be a far greater threat to their cherished liberties. Approaching Charles's death pragmatically, many of Besançon's oligarchs plotted to gain more of the independence implied in their treasured title of imperial city, and factions schemed to overturn the established oligarchs. Given the threat these potential usurpers posed, the existing elites apparently soon realized that cooperation within their ranks was the most effective strategy, but as Ludin's memoir shows, at least some of Besançon's oligarchs were far from pragmatic when confronted with the events of 1477. Initially the city defied Louis, and one of its twelve leading citizens and chief administrators, known as the "governors," informed Louis's representative that the city "owes nothing to the king of France."[6] While this statement was technically true, it was not the safest or most advantageous reply at the time. Within two years the pro-French faction had grown and convinced the others to accept a French protectorate; it was either that or be starved out by the French troops infesting the county. Despite the governors' apparent acceptance of French control, there were weeks of celebration when the ducal house regained control in 1493. That loyalty to the "house

[5] Among the most significant for the duchy and county in the late fifteenth and early sixteenth centuries were the renewal of the Treaty of Rouen and the 1451 captaincy of Besançon (1479), the Treaty of Senlis (1493), and the Treaty of Madrid (1526). For further information about the provisions of these treaties and the political and social history of the two Burgundies during this period, see Kathryn A. Edwards, *Families and Frontiers: Re-Creating Communities and Boundaries in the Early Modern Burgundies* (Boston/Leiden: Brill, 2002).

[6] Claude Fohlen, ed., *Histoire de Besançon*, 2 vols. (Paris: Nouvelle librairie de France), 1:521. Besançon's governors comprised its primary town council; a secondary group, called "the 28," managed the seven *bannières* into which the city was divided and were called to meetings for special consultations. Despite regulations designed to minimize oligarchical monopolies, such as the provision that two near relatives could not be governors simultaneously, such rules were frequently violated and some governors served for decades, even alongside sons or in-laws. The governors circulated the presidency of the town council among themselves every week as one means of sharing prestige and power, albeit a limited one. For further information, see Edwards, *Families and Frontiers*, chpt. 7, appendix A1–A2.

of Burgundy" would continue throughout the sixteenth century and beyond Besançon's conquest and incorporation into France in 1678.

Like most of Besançon's governors, Ludin survived the immediate aftermath of Charles' death. He may have even been one of those who initially benefited from a change in the city's captaincy to a French appointee, because he first appears as a governor of Besançon in June 1481. Given that the governorship was the most powerful and prominent position in urban government, however, it is unlikely that he had held no urban office or had made no strategic alliance before this time, but with the fragmentary surviving documents it is impossible to tell. Instead, Ludin emerges into public view full blown, qualified as a lawyer, living in one of the more prosperous quarters, and working alongside families who had been established among Besançon's oligarchy for over a century. As a governor, he performed all the standard duties: judging cases, regulating civic affairs, and representing the city on embassies or at the entry of prominent individuals. Although Ludin was not assigned the most prestigious and noble activities, he was never denied the honors that were his due, such as the presidency of the governors, and he held onto his appointment for twenty-seven years, a substantial term even by the standards of Besançon's narrow, entrenched oligarchy.[7] There is evidence, however, that Ludin was increasingly marginalized by at least several of the more powerful governors, because in June 1507 he was removed from urban government entirely and replaced by a client of one of Besançon's most powerful lineages. His exile from the governorship only endured for a year, and even during this time the council would turn to him to supervise repairs to and expansion of urban fortifications. Although brief, his memoir attests that the exile had a strong effect on Ludin. After this episode, he would serve the city at various times as a governor, construction supervisor, or judge, but his days of a guaranteed governorship were over. Ludin would eventually

[7] The surviving documents in Besançon cannot corroborate Ludin's claim to twenty-seven years on the town council because of the fragmentary nature of the council records. Having tabulated all relevant surviving records (1474–76, 1491–1510, 1504–08, 1520–31: Archives municipales de Besançon, BB8–BB13), I have found thirteen years where he served as governor. The most recent prosopographical work on Besançon's oligarchy lists Ludin as co-governor for 1516–17, which would add two years to this tally and come closer to Ludin's claim: Jean-Marie Thiébaud, *Les Cogouverneurs de la cité impériale de Besançon: Dictionnaire biographique, historique et généalogique* (Besançon: Centre d'Entraide Généalogique de Franche-Comté, 1996), 223. Unfortunately it is not clear what sources were used to obtain those dates, and it is possible that Thiébaud is conflating Jean Ludin the elder and Jean Ludin the younger.

die in 1518 or early 1519 leaving at least one son, who held prominent urban offices but died childless before 1535.

Ludin's memoir is clearly the product of an individual invested in the city of Besançon, its stature within the Burgundian lands, and his stature within that city. It was apparently produced in stages during the course of Ludin's career, and as is common in similar works from the Franche-Comté, Ludin wrote blocks of text at a time rather than each entry separately. For example, the sections from 1478 to 1482 appear to have been written at once, despite the precise dates given in the entries. Ludin also left some spaces blank, apparently intending to check on a name. Like many such works, he begins with an event that occurred before his lifetime or in his youth: the entry of Philip the Good and Emperor Frederick III into Besançon in 1442.[8] Imperial and comital politics figure prominently throughout Ludin's memoir but only as they effect Besançon. The personal focus in his memoir—on *his* city (Besançon), *his* career (its disruptions and self-sacrifice), and *his* lords (Charles the Bold, Mary of Burgundy, and Maximilian I, among others)—permeates his sense of what it means to be a Burgundian.

The most basic way Ludin grappled with Burgundianness was by distinguishing it from what it was not, a common process in identity formation. In his case, it was most emphatically not French. The most famous vernacular Comtois history written in the sixteenth century made subtle distinctions when necessary between the French, the Burgundians, and the Burgundians living in the duchy.[9] Ludin was far less delicate. During the period of French royal sovereignty over the duchy and protectorate over Besançon (1479–1493) Ludin manages to mention the French only once.[10] The occasion is a pessimistic analysis of the chances for success of the latest treaty between the King of France

[8] We have no exact records for either Ludin's birth or death, although inferential evidence suggests he died sometime in 1518 or the years immediately following. Given this date, Ludin was at most a child when the entry of Philip and Frederick occurred. Perhaps it is among his earliest childhood memories of a major, public event or he frequently heard about such a dramatic and memorable procession as he was growing up, making his memory of it seem both immediate and personal?

[9] Loys Gollut, *Les Mémoirs historiques de la république séquanoise et des princes de la Franche-Comté de Bourgogne* (1592), ed. Charles Duvernoy, 2 vols. (Roanne: Horvath, 1978). Besançon's oligarchs proscribed Gollut's *Mémoirs* for what they argued was its anti-Bisontin stance and undue approval for the leaders of their chief regional rival, the county's capital, Dole.

[10] Ludin cannot avoid referring to the king of France, but he can dodge paying him elaborate honors. For Ludin, he is simply "le Roy": BMB, ms. 1042, fol. 4v.

and the King of the Romans, Maximilian I, guardian of the county's overlord, Philip the Fair. In his entry for 26 July 1489 he hopes that the treaty's provisions will be followed, especially the guarantee that Maximilian and Philip can peacefully retain the lands they currently hold, but Ludin thinks the chances of it happening are slim: "I believe that the French on their part are deceiving the King [Maximilian] to cause him to disband his army which he's gathering in Germany and also to let the French throw the English out of France. I believe that the French will only leave Burgundy by being beaten with clubs."[11] Ludin's other assessments of French duplicity and violence after 1493 are equally brutal.

This is not to say that Ludin assumes noble Burgundian qualities and leaders will innately overpower the French. Ludin's next line is an apparently pro forma "God forgive us" for his violent sentiments, but he then adds that this "furious victory will leave everyone dead." Like other Burgundian chroniclers of his time, Ludin notes the Burgundian nobility's willingness to fight, although he is less sanguine about their success when doing so. More idiosyncratic in Ludin's memoir is who he chooses to include and how he identifies those nobles. Put simply, those who appear in his memoir are those who have a direct, personal affect on him and his city. Philip the Fair's progress through the county in 1503 is ignored, but the entry of Margaret of Austria includes a description of her retinue, her reception, and her gifts from the city. Ludin basks in the honor of a letter from Antoine de Vergy and an audience with Maximilian I himself.

Who and what then are the Burgundians to whom Ludin feels such close ties? Certainly they are in part the old ducal lineage and its direct descendants, albeit only insofar as their persons or actions affect him and the city. It is no accident that Ludin begins his chronicle with the entry of Philip the Good and Emperor Frederick into Besançon. This entry embodies the intermingling of Burgundian identity, in the person of duke Philip, and of imperial identity, in that of Emperor Frederick, which was so central to Besançon's elites. Like his fellow oligarchs, Ludin turns to the Empire to justify the freedoms and prerogatives of Besançon's residents, but in almost everything else he equates the physical city of Besançon with the descendants of the Valois dukes and with the county and a more amorphous, holistic concept of "Burgundy." Both

[11] Ibid., fols. 5r–5v.

spatial and personal, Ludin's sense of true Burgundianness affects aspects of his chronicle ranging from his treatment of the regional nobility to his assessment of reliable informants. For example, while most of his memoir consists of first-hand accounts or information he could have easily gathered at a governor's meeting—such as the birth of Charles V—Ludin gets his information about Dijon and ducal Burgundy from personal, named informants: Jean Chisseret, Jean du Pont, Guillaume Vaucherin (Vauchard), Pierre Bonvalot, and others.[12] The informants are reliable precisely because they were in Dijon when the bloody rains occurred, because they were members of Besançon's and/or the county's ruling class, and because Ludin knew them well. Two were members of Besançon's town council, and one was governor Pierre Bonvalot, whose family would control the city and its region by the 1530s as the Granvelle-Bonvalot. They were his immediate neighbors and judicial colleagues; Ludin worked with them and would later ally himself with them. Their testimony was considered so truthful—and so politically valuable—that public preachers spread the news in Besançon.[13]

Dijon's gory showers have direct political implications that explain their appeal to Bisontin oligarchs like Ludin and reflect their conception of true Burgundianness. Dijon is immediately identified in Ludin's memoir as the residence of the Burgundian dukes, Mary of Burgundy

[12] Each of these individuals was an influential member of Besançon's or Dole's oligarchy and often held positions in ducal, comital, or imperial service; several were related through marriage to Ludin. Jean Chisseret was an oligarch from Dijon who fled to the county with the French conquest in 1477. Member of a powerful mercantile and administrative clan, he would settle in Dole where relatives lived before and after the fall of the Valois dukes. Jean du Pont was a fellow governor of Besançon, while Guillaume Vauchard repeatedly served as Dole's mayor and was allied through marriage with Pierre Bonvalot. Bonvalot and his descendants would have the most illustrious careers. Bonvalot himself had a distinguished career under the Valois dukes, serving as governor for apparently close to fifty years, acting as master of the city's artillery, obtaining multiple lordships, and traveling to Rome as Besançon's representative in its protests against its archbishop. His granddaughter, Nicole, would marry a rising, young lawyer, Nicolas Perrenot de Granvelle, who would become imperial Chancellor. The introduction to Appendix A in Edwards, *Families and Frontiers* (diss.), provides citations for the most comprehensive genealogical and prosopographical sources for the duchy and county of Burgundy. The most significant archival and manuscript supplements of these materials are: AMB BB9–13, CC43–45, & CC47–49 and Archives départementales du Doubs [hereafter ADD] G1916, G1918, G1923, & H452 (Bonvalot); Archives municipales de Dijon, B165 & L131 and Archives départementales de la Côte d'Or G3570, G3382, & G195 (Chisseret); ADD 2B2406, G298, 67H398, 114H27, & 114H28 (du Pont); and Archives municipales de Dole, 78 (nos. 1–5, 639), 707, & 709 (Vauchard/Vaucherin).

[13] BMB, ms. 1042, fol. 3v.

is its "obvious" ruler, and Dijon is the duchy's "principal city." Of all the places where such rain could fall during this troubled time, it only rained blood in Dijon. Moreover, in Dijon itself the blood only touched two locations, but each had a strong political significance: Dijon's castle, which was under construction, and the Franciscan convent. Louis XI ordered the construction of the castle, integrated into the city's walls, almost as soon as he took control of Dijon. The castle symbolized Dijon's subjection as much as it provided Dijon with protection, a connection made by both Dijon's residents and visitors. The Franciscan convent was equally political. Dijon's town council met there, and there they elected the envoys and made the resolutions that delivered the duchy into the hands of the French king.

The connection with ducal politics is equally, if not more, explicit when Ludin describes another portent seen in 1488 over Dijon: a St. Andrew's cross.[14] Patron of Burgundy, St. Andrew's special relationship to the ducal house had been solemnized at the Feast of the Pheasant when Duke Philip the Good dedicated the Order of the Golden Fleece to the saint. Formed of two, crossed staffs in the shape of an "X," the St. Andrew's cross would have been well known as part of the ducal coat of arms, flags, and devices; the "X" shape of the cross (known as decussate) represented legends about the way in which Andrew was crucified, legends that can only be traced to the fourteenth century. Red with the blood of the martyr—in fact, redder than usual—the cross hovered for two hours over a church dedicated to one of Burgundy's great saints, St. Bernard of Clairvaux. The church's location near the new castle only heightened the sighting's symbolic and political force.

When Ludin records the appearance of the St. Andrew's cross, he immediately, if obliquely, links it to Burgundian politics: "the French and those belonging to that party were uneasy and they said amen to God."[15] His immediate interpretation of the bloody rain is more inferential. In fact, he makes several entries in his memoirs before he explains the blood. For Ludin, the rains of blood tie directly to the house of Burgundy and, by implication, all its true subjects, although

[14] Ibid., fol. 4v. St. Andrew was one of the first four apostles, brother of Simon Peter. It was commonly believed a Roman governor, Aegeas or Aeageates, crucified him at Patrae in Achaia. There he was bound to the cross, rather than nailed, to prolong his suffering. For a common version of his legend that circulated among the literate in the late fifteenth century, see Jacobus de Voraigne, *The Golden Legend*, reprinted at http: www/catholic-forum.com/saints/golden132.htm, accessed 11/25/2005.

[15] Ibid.

it takes him a year in his memoir to make the connection. In his entry for April 1482 Ludin describes the death of Mary of Burgundy and relates her death to the blood over Dijon. According to Ludin, when Mary fell from her horse she contracted an "infection of the blood."[16] For Ludin, the blood over Dijon symbolized the infection in her blood that would eventually kill her. Yet after this direct and somewhat facile interpretation, Ludin adds further perspectives. The bloody rain also marks the sorrow of the heavens, and because Dijon is the duchy's principal city, the rainfall over Dijon clearly affirms Mary as the sovereign over the duchy "whatever the King [of France] might want to say." Like the appearance of the St. Andrew's cross, Dijon's rains of blood assert Burgundian claims to a Burgundian province. They are described by a Burgundian subject who sees the heavens recognizing the rightness of the Burgundian cause, and even the traitors supporting the French acknowledge its justice.

Ludin's interpretations both assume and capitalize on a long tradition of blood symbolism, and it is likely that Ludin was aware of blood's symbolic possibilities.[17] Blood as censure, destruction, and doom had a long Scriptural tradition, and given the many religious communities in Besançon and the governor's policy of sponsoring public sermons, Ludin could easily have been familiar with several famous episodes. For example, in Exodus 7:19–21, Moses and Aaron turn the waters of Egypt to blood, while in Revelations (8:7 and others) when angels blow their trumpets, the hail and fire from the skies is mixed with blood.[18]

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[16] A bad fall while riding caused Mary's death. Modern interpretations describe her as never regaining conscious or of dying of internal injuries, neither of which are mutually contradictory. The most recent scholarly biography of Mary is by Georges-Henri Dumont, *Marie de Bourgogne* (Paris: Fayard, 1982).

[17] Useful, recent publications on blood symbolism include *Le Sang au moyen âge: Actes du quatrième collque international de Montpellier, Université Paul Valéry (27–29 novembre 1997)*, ed. Marcel Faure (Montpellier: Université Paul Valéry, 1999); Jean-Paul Roux, *Le Sang: Mythes, symboles et réalités* (Paris: Fayard, 1988); and Michel Foucault, *History of Sexuality: An Introduction*, trans. Robert Hurley (New York: Pantheon, 1978; New York: Vintage Books, 1990), 1:147–50, where premodern society is a "society of blood" and blood is "a reality with a symbolic function." The work of Caroline Walker Bynum has also stressed the many layers of blood symbolism, and her forthcoming book is indebted to and expands on that earlier research: *Wonderful Blood: Theology, Piety, and Practice in Late Medieval Northern Germany and Beyond* (Philadelphia: University of Pennsylvania Press, 2006), esp. chpts. 1 and 7. I would like to thank Dr. Bynum for letting me read parts of her manuscript and for permission to cite this work before its publication.

[18] For other Scriptural examples, see Numbers 35:33, "You shall not thus pollute the land in which you live; for blood pollutes the land, and no expiation can be made for the land, for the blood that is shed in it, except by the blood of him who shed

Flowing blood of the type given in these well-known scriptural episodes represents both contamination and death, the inappropriate outpouring of blood (*cruor*) which should instead be contained within humanity sustaining life (*sanguis*).[19] The effusion of blood on fortifications and above religious houses reproaches those associated with those landmarks and suggests their imminent destruction.[20] Blood is shed in sacrifice, it marks the violation of the innocent, and it reproaches the unworthy.

Each of these aspects of blood symbolism could be applied to the blood over Dijon. Certainly the bloody rain condemned oligarchical duplicity. By singling out the castle and the meeting place of the town council, the blood distinguished the greatest offenders against Burgundian sovereignty and called for their reformation. The ominous rain and bloody cross suggested that Dijon's false residents should perhaps fear that their own blood would be shed or they might need to sacrifice their blood in the future. They mark the literal and figurative pollution which both the duchy and county suffered during four years of war as well as that existing in the souls of Dijon's town council and *parlementaires*. Through their support of the French cause and the exile of various leading citizens, they could even be seen in the terms so vividly expressed in Ezekiel 35:6: "because you are guilty of blood, therefore blood shall pursue you."

Ludin himself certainly suggests that the bloody rain condemns Dijon's residents. According to Ludin, the blood signifies heaven's interest in Burgundian affairs, an interest that, if scriptural precedent is believed, could turn violent in support of the just: the descendants of the Burgundian dukes—Mary of Burgundy, Charles the Bold's heir, in particular—and their allies. In the process, Mary also becomes a blood sacrifice. Noting that Mary was pregnant with her second child when she died, he implies that her blood contains the future of

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it;" Ezekiel 35:6, "therefore, as I live, says the Lord GOD, I will prepare you for blood, and blood shall pursue you; because you are guilty of blood, therefore blood shall pursue you;" Matthew 26:28, Christ sheds the "blood of the covenant" for the forgiveness of sins; and Revelation 8:7, The first angel blew his trumpet, and there followed hail and fire, mixed with blood, which fell on the earth; and a third of the earth was burnt up, and a third of the trees were burnt up, and all green grass was burnt up. This is not the only place in Revelation that angels turn the water—seas, rivers, etc.—into blood.

[19] Caroline Walker Bynum, "The Blood of Christ in the Later Middle Ages," *Church History* 71:4 (Dec. 2002): 685–714, here 704–5.

[20] Bynum, *Wondrous Blood*, chpts. 8 & 10.

Burgundy; by being shed, it should rally true Burgundians to her cause.[21] As interpreted by Ludin, Mary becomes the victim of treachery by false Burgundians, and her blood is the sign of duplicity. When the St. Andrew's cross appears over Dijon six years later, it marks the continued unwillingness by false Burgundians to return to their true faith and the prolonged suffering this has caused all true Burgundians, those who recognize blood bonds and sacrifices.

As his allusions to Mary's sacrifice suggest, blood symbolism in the fifteenth century also contained powerful positive elements. Christ's gift/sacrifice of his blood to redeem humanity is a fundamental Christian doctrine, and it was increasingly commemorated and ritualized during the fifteenth century. Corpus Christi celebrations and cults of blood relics grew in popularity and scope at this time, and the duchy and county of Burgundy shared in this devotion.[22] Moreover, the birth of her heir, Philip the Fair, amply demonstrated the fertility of Mary's blood, and in Philip's birth can be seen the birth, even the redemption, of both the duchy and county of Burgundy. One mark of the survival of the Burgundian dynasty, blood such as that which fell on Dijon can suggest a link between the souls of those who shed the blood and those who experienced it. The rains of blood over the most forceful symbols of French domination stress the continued life and vitality of the true Burgundian cause, a cause with which Ludin associates himself.

By linking the rains of blood in Dijon with Mary's own blood, her interrupted fertility, and French treachery, Ludin capitalized, albeit apparently unconsciously, on the polyvalent nature of blood symbolism, a point emphasized in much recent research on blood and eucharistic symbolism in the late Middle Ages.[23] The concept of sacrifice with

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[21] Although Ludin confuses the years, he describes the first rainfall as marking heaven's sorrow at Mary's death; see BMB, ms. 1042, fol. 4r. Mary died on 27 March 1482.

[22] Bynum, "The Blood of Christ," 685–714: Bynum notes the diverse and sometimes contradictory aspects of blood symbolism, but she denies, and I agree, that blood then becomes an all-purpose and somewhat meaningless symbol. Its very polyvalence is a primary source of its power. In the case of Ludin's blood, it is not the interior blood—as Bynum calls it "the living blood of the heart"—it is blood*shed* which is the sad, reproachful blood.

[23] Bynum, "The Blood of Christ" and *Wondrous Blood*. Among the research which has influenced this article, see Nicholas Vincent, *The Holy Blood: King Henry III and the Westminster Blood Relic* (New York: Cambridge University Press, 2001); Peter Dinzelbacher, "Das Blut Christi in der Religiosität des Mittelalters," in *900 Jahre Heilig-Blut-Verehrung in Weingarten 1094–1994: Festschrift zum Heilig-Blut-Jubiläum am 12. März 1994*, ed. Norbert Kruse and Hans Ulrich Rudolf (Sigmaringen: Thorbecke, 1994), 1:415–34; Hans

which blood is most clearly linked in Christian symbology epitomizes the paradoxes in blood. Its very shedding apparently kills Christ while simultaneously redeeming humanity. Blood plays a central role in fertility rituals and leads to a kind of mystical drunkenness, while the outpouring of blood in other circumstances can pollute those very places and people whom it otherwise purifies. For Ludin, while the rainfall symbolized Mary's death, Mary herself had passed her blood along to her son, the future Philip the Fair. Mary's blood had been shed, yet it endured in Philip. True, Burgundian blood was not then dead, and, as such, Burgundians like Ludin owed it their veneration and allegiance. In this sense, Mary's sacrifice may have even redeemed treacherous Dijon, just as Christ's sacrifice renewed the possibility of human salvation.

Ludin's accounts of the bloody rain and apparition of a St. Andrew's were dramatic testimonies of the political and intellectual tensions in the duchy and county of Burgundy in the late fifteenth century. For Ludin, they confirmed his allegiance to the descendants of the Valois dukes while they simultaneously highlighted the complexities in any identity stressing those same dukes. Although a citizen of Besançon and not, therefore, owing homage to any Burgundian duke or count, Jean Ludin saw himself and by implication his fellow Bisontin as true Burgundians. As such, they had a direct personal link with both the descendants of the Valois dukes and the county of Burgundy these dukes once ruled. Ludin and his fellow Bisontin chroniclers would continue well into the sixteenth century to stress heavenly approbation for their Burgundian loyalty, honor, and culture—qualities that in Ludin's memoirs were found in the blood.

Ulrich Rudolf, "Heilig-Blut-Brauchtum im Überblick," in *900 Jahre Heilig-Blut-Verehrung*, 2:533–74; A. Winklhofer, "Blutwunder," in *Lexikon für Theologie und Kirche*, ed. Josef Höfer and Karl Rahner, 2d ed. (Freiburg: Herder, 1958), cols. 2:544–49; Piero Camporesi, *Juice of Life: The Symbolic and Magic Significance of Blood*, trans. Robert R. Barr (New York: Continuum, 1995); and Charles Zika, "Hosts, Processions and Pilgrimages: Controlling the Sacred in Fifteenth-Century Germany," *Past and Present* 118 (1988): 25–64.

RULING CLASS AND REGIME IN AN ECCLESIASTICAL TERRITORY: THE CASE OF SALEM

Katherine Brun

Prior to secularization in the early nineteenth century, the Imperial Church possessed approximately one quarter of the land and one sixth of the subjects within the Empire.[1] Ecclesiastical territories in Swabia controlled as much as one third.[2] In numbers alone therefore, ecclesiastical territories wielded considerable influence. Yet contemporaries and historians alike have long regarded the Church as politically backward and ill-suited for secular rule.[3] This paper's primary goal is to explore the nature of ecclesiastical lordship in the Holy Roman Empire based on the example of Salem, an Imperial and Cistercian abbey on the northwestern shores of Lake Constance. In order to examine the essential features of ecclesiastical lordships and evaluate the commonalities and differences among them, I will address three questions. First, how does ecclesiastical rule differ from noble rule, and moreover, how is the temporal authority of abbots distinct from that of bishops? Second, what were some of the key elements of state-building in Salem, and how do they reflect the specific nature of ecclesiastical rule? Finally, how does Salem's political experience compare with that of other ecclesiastical

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[1] Wolfgang Wüst, *Geistlicher Staat und altes Reich. Frühneuzeitliche Herrschaftsformen, Administration und Hofhaltung im augsburger Fürstbistum* (Munich: 2001), 1 n. 2, estimates a quarter of the land and an eighth of the population belonged to the Church; Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter*, Enzyklopädie deutscher Geschichte, vol. 35 (Munich: 1996), 6, estimates a sixth of the population lived in ecclesiastical territories in the early modern period.

[2] For northern Swabia see Hans-Martin Maurer, "Die Ausbildung der Territorialgewalt oberschwäbischer Klöster vom 14. bis 17. Jahrhundert," *Blätter für deutsche Landesgeschichte* 109(1973): 151; for eastern Swabia see Pankraz Fried, "Zur Ausbildung der reichsunmittelbaren Klosterstaatlichkeit in Ostschwaben," *Zeitschrift für Württembergische Landesgeschichte* 40(1981): 423. See also Armgard von Reden-Dohna, "Weingarten und die schwäbischen Reichsklöster," in Anton Schindling and Walter Ziegler, eds., *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung*, vol. 5 (Münster: 1993), 235.

[3] See Wüst, *Geistlicher Staat*, 1; Lawrence G. Duggan, *Bishop and Chapter. The Governance of the Bishopric of Speyer to 1552* (New Brunswick: 1978), 3; Peter Hersche, "Intendierte Rückständigkeit: Zur Charakteristik des Geistlichen Staates im Alten Reich," in Georg Schmidt, ed., *Stände und Gesellschaft im Alten Reich* (Stuttgart: 1989).

regimes, and what does Salem contribute to our understanding of territorial state-building more generally?

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Perhaps the greatest distinction between nobles and Churchmen is that nobles ruled by dynastic succession while Churchmen ruled by election.[4] For religious institutions, longevity and alliances were based not on biological factors (birth and marriage) but on social factors (recruitment); the prelate was surrounded by a brotherhood of equals who shared a common religious profession. The celibacy of members provided stability and unity, guaranteeing that property never fell to outside heirs.[5] And when the ruler died the community chose his successor from among themselves, ensuring the continuity of rule. Election posed certain dangers, in the event of powerful outside influence or factionalism within.[6] But election also provided a good deal of flexibility and gave the convent influence over the abbey's leadership. They could reinforce or correct previous trends, choosing an abbot whose abilities suited current needs. Finally, election was based on cooperative participation. Each full member had one vote, and each vote carried equal weight. The very idea that members could collectively choose

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[4] The Emperor is an important exception; but even he often indicated his chosen successor, and dynastic power was central to Imperial elections.

[5] Monks had no younger sons to outfit, no daughters in need of a dowry, and no noble courtiers to reward for loyal service. In fact, their families often left significant property to the abbey and were thus a source of income, not expenditure. Canon law forbade the alienation of Church property. This gave ecclesiastical territories greater continuity than their dynastic counterparts. Schubert, *Fürstliche Herrschaft*, 7.

[6] On outside influences over elections in Weingarten see Rudolf Reinhardt, *Restauration, Visitation, Inspiration. Die Reformbestrebungen in der Benediktinerabtei Weingarten von 1567 bis 1627* (Stuttgart: 1960), 161ff.; Armgard von Reden-Dohna, "Zwischen österreichischen Vorlanden und Reich: die schwäbischen Reichsprälaten," in Hans Maier and Volker Press, eds., *Vorderösterreich in der frühen Neuzeit* (Sigmaringen: 1989), 81–2. On episcopal elections see Günter Christ, "Selbstverständnis und Rolle der Domkapitel," *Zeitschrift für historische Forschung* 16(1989): 257–328; Schubert, *Fürstliche Herrschaft*, 7. Cistercian elections were comparatively free from outside influence. Only full members of the convent could vote, and election oversight was provided by the father abbot and his secretary, not Imperial officials. Neighboring Church leaders were invited as witnesses, but confirmation of the convent's choice came directly from the pope, not the bishop. See Reinhard Schneider, "Die Geschichte Salems," in idem., ed., *Salem: 850 Jahre Reichsabtei und Schloss* (Constance: 1984), 61ff.; Cécile Sommer-Ramer and Patrick Braun, eds., *Helvetia Sacra*, vol. 3/1 (Bern:1982), 44.

their leader was an important expression of associative principles and a check against absolutism.[7]

A second major difference is that according to canon law, clerics were forbidden to shed blood. They could not wage war, defend against physical attack, or practice high justice. Since medieval lordship was based on the power to compel and to keep the peace, (and since nobles relied heavily on feud and warfare), this inability to fight placed ecclesiastical rulers in a difficult position.[8] The institution of *Kirchenvogtei*, or ecclesiastical guardianship, evolved to accommodate the Church's defenselessness.[9] Ecclesiastical guardianship was normally provided by a noble lord who represented the Church's temporal interests, using force if necessary. In its older form, guardianship consisted of physical protection and legal representation. Held by hereditary right, mortgage, or Imperial fief, guardianship rights were seen by providers (but not abbeys) as elements of lordship. Guardianship brought financial and political rewards and could be used to strengthen territorial claims over the Church and its property. Hirsau reforms, Cistercian claims to freedom from guardianship, and exclusive Imperial protection posed limits to the theoretical powers of guardians. But even in the early modern period, abbeys and their guardians struggled over the interpretation of protection.[10] Guardianship became one of the cardinal issues of ecclesiastical rule, with implications for an abbey's Imperial status or territorial dependence—indeed for its very survival.[11]

Legitimacy was a third area of differentiation. Ecclesiastical lords lacked the traditional forms of justification derived by nobles from the

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[7] Structural parallels between the election of prelates and other forms of communal decision-making provided shared governing principles between the local and territorial levels, uncommon in dynastic lordships.

[8] According to Otto Brunner the ability to fight and physically defend was the most important prerequisite for the practice of late medieval lordship. See Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Van Horn Melton from the 4th rev. ed. (Philadelphia: 1992).

[9] See Dietmar Willoweit, "Vogt, Vogtei," in Adalbert Erler and Ekkehard Kaufmann, eds., *Handwörterbuch der deutsche Rechtsgeschichte*, vol. 5 (Berlin: 1997–1998), 932–946.

[10] There was no commonly agreed definition, and the powers of guardians depended in individual cases more on practice than on legal right. See Wilfried Setzler, *Kloster Zwiefalten. Eine schwäbische Benediktinerabtei zwischen Reichsfreiheit und Landsässigkeit. Studien zu ihrer Rechts- und Verfassungsgeschichte* (Sigmaringen: 1979), 11.

[11] Fried, "Ostschwaben," 418ff.; Werner Rösener, "Südwestdeutsche Zisterzienserklöster unter kaiserlicher Schirmherrschaft," *ZWLG* 33(1974): 24ff. In Württemberg, twelve out of fourteen abbeys were secularized in the sixteenth century. Setzler, *Zwiefalten*, 9.

guarantee of protection. Furthermore, prevailing social wisdom taught that one's estate determined one's role in society. Nobles were born to rule, and non-nobles were not. If a cleric's role was to pray, then what business had he with rule? Since prelates could not defend their dominion in a society founded on violence, they had to build alternate forms of legitimacy among subjects, neighbors, and political rivals. In the early modern period, feud gradually gave way to judicialization and other peaceful means of conflict resolution. But what with growing anti-clericalism and demands for reform, legitimacy and defense remained critical for the Church, not only in matters of doctrine, but also for social policies and practices of rule.

Other differences between aristocratic and ecclesiastical rule could be mentioned, including: economy and finance, administrative structure, residence and representation, Imperial ties, and ruling objectives.[12] Rather than describing every possible characteristic of ecclesiastical rule however, I would like to briefly contrast episcopal and monastic regimes.[13] First, bishops had greater temporal power than abbots, resulting from their princely status, extensive property rights, and role in Imperial and regional politics.[14] Second, bishops and canons lived in the world and interacted frequently with laypeople. Monks, on the other hand, were generally cloistered and took vows of separation from worldly concerns. Third, canons had the right to advise the bishop and to assist him in temporal rule, while ordinary monks (with the exception of office-holders) were rarely involved in external affairs. Canons held independent interests and individual benefices and could collectively

[12] Other categories are proposed by Wüst, *Geistlicher Staat*, 27–28; Schubert, *Fürstliche Herrschaft*, 6–8; Hersche, "Intendierte Rückständigkeit;" Franz Quarthal, "Unterm Krummstab ist's gut leben. Prälaten, Mönche und Bauern im Zeitalter des Barock," in Peter Blickle, ed., *Politische Kultur in Oberschwaben* (Tübingen: 1993).

[13] These differences are especially important because discussions of the Imperial Church have focused predominantly on the prince-bishops. Armgard von Reden-Dohna, "Die Zisterzienser im Schwäbischen Reichsprälaten-Kollegium," *Rottenburger Jahrbuch für Kirchengeschichte* 4(1985): 51.

[14] Even the relatively poor bishop of Constance, with temporal power in only a handful of fragmented districts, had his own vote in the Imperial Diet, while over a dozen Imperial prelates shared only one vote. Abbeys without Imperial status had no voice at all. On the bishop of Constance, who was leader of the Catholic party and *Viertel* director in the Swabian Circle, see Thomas Hölz, *Krummstab und Schwert: Die Liga und die geistlichen Reichsstände Schwabens 1609–1635* (Leinfelden-Echterdingen: 2001).

oppose the bishop in key areas of decision-making.[15] By contrast, convents shared a common life, common property, and common purpose; and though abbots did not rule alone, convents rarely acted against them.[16] Finally, cathedral chapters were dominated by noble families, drawn by the prestige and aristocratic lifestyle and by the opportunities to place younger sons and to promote dynastic interests.[17] The members of abbeys, on the other hand, often came from humble origins. Their vows of poverty, simplicity, and humility failed to attract large numbers of nobles in the early modern period.[18]

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In the next segment I describe three areas of Salem's political experience: ecclesiastical guardianship, justice, and professional mobility. These examples illustrate the abbey's territorial evolution with respect to the distinctive qualities of ecclesiastical and monastic rule described above.

Salem's political development was a long and gradual process. To understand Salem's later territorial composition and strong position with respect to guardianship, we must go back to the abbey's early history.[19]

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[15] On the chapter's political influence see Duggan, *Bishop and Chapter*; Christ, "Domkapitel;" Wüst, *Geistlicher Staat*; Max Spindler, ed., *Handbuch der bayerischen Geschichte*, vol. 3/2 (Munich: 1971), 955–6. On the weakness of the convent see Maurer, "Territorialgewalt," 185–6; Jürgen Sydow, *Die Zisterzienserabtei Bebenhausen*, Germania Sacra N.F. 16 (Berlin: 1984), 79; Schneider, *Salem*, 48, 66.

[16] Cistercians, unlike Benedictines, held property in common and had no individual benefices. See Hermann Tüchle, "Süddeutsche Klöster vor 500 Jahren, ihre Stellung in Reich und Gesellschaft," *Blätter für deutsche Landesgeschichte* 109(1973): 112; Sommer-Ramer, *Helvetia Sacra*, 36, 45. In Salem, sources offer few signs of opposition between abbot and convent. Schneider, *Salem*, 66.

[17] When a monk took his vows he assumed a new name and became dead to the world, but a non-ordained canon could relinquish his benefice and even marry, thus providing insurance in case of future dynastic need. Spindler, *Handbuch*, 956. Canons could also rise to become prince-bishops, which brought greater opportunities for the entire family and its supporters.

[18] Kempten, Ellwangen, Wettenhausen, Buchau, Lindau, and Gutenzell retained their noble character. But most nobles preferred the cathedral chapters. Hölz, *Krummstab*, 130; Armgard von Reden-Dohna, *Reichsstandschaft und Klosterherrschaft. Die schwäbischen Reichsprälaten im Zeitalter des Barock* (Wiesbaden: 1982), 33.

[19] Werner Rösener is the best authority on Salem and *Vogtei* for the period up to 1354. See his *Reichsabtei Salem: Verfassungs- und Wirtschaftsgeschichte des Zisterzienserklosters von der Gründung bis zur Mitte des 14. Jahrhunderts* (Sigmaringen: 1974). The following segment relies heavily on his work. See also G. Goetz, *Niedere Gerichtsherrschaft und Grafengewalt im*

A factor of great consequence was the decision of Salem's founder, the minor nobleman Gunthram von Adelsreute, to disclaim his rights and place Salem directly under the Emperor. In 1142 King Conrad III recognized the abbey's foundation, provided it with royal protection, and confirmed "all of Salem's present and future possessions."[20] The king even declared himself Salem's sole worldly protector and forbid all others to disturb the abbey or its possessions.[21] Later, in the context of the struggle over the Imperial Church, Frederick I granted Salem a privilege that can only be seen as a direct challenge to competing papal claims of exclusive protection. His 1155 revision of an earlier papal privilege asserted that he, as Emperor, was the protector of Salem and of the entire Cistercian order.[22] This text set the precedent for Salem's freedom from traditional forms of ecclesiastical guardianship. Imperial protection was provided free of charge, and in the sense of *Schutz* only; high justice belonged to the count of Heiligenberg.[23]

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badischen Linzgau während des ausgehenden Mittelalters (Breslau: 1913); Xavier Staiger, *Salem oder Salmansweiler, ehemaliges Reichskloster Cistercienser-Ordens* (Constance: 1883); Gerhard Kaller, "Zisterzienserkloster Salem," in Cécile Sommer-Ramer and Patrick Braun, eds., *Helvetia Sacra*, vol. 3/1 (Bern: 1982). Primary documents are found in Friedrich von Weech, ed., *Codex Diplomaticus Salemitanus. Urkundenbuch der Cistercienserabtei Salem*, 3 vols. (Karlsruhe: 1883–1895).

[20] Present at the diet were not only Count Henry of Heiligenberg and many of the Linzgau nobles but those from the larger region as well, including Duke Frederick of Swabia and Duke Conrad of Zähringen. Later privileges and confirmations refer to Gunthram von Adelsreute's donation together with the king's declaration in 1142, suggesting the latter's constituitive character: "The royal privilege [of 1142] is so to speak *the* foundational document for Salem" says Rösener, *Salem*, 34.

[21] "*alium Advocatum post Deum praeter Nos non habend… nulla Ecclesiastica saecularisve persona praedictos fratres Ecclesiae Salem temere inquietare aut molestare praesumat.*" Weech, *Codex* 1: 5 n. 3. This despite the fact that Pope Innocent II granted a similar privilege only two years earlier, claiming he was Salem's sole protector: "*Quia vero fratres eiusdem ordinis sub solius romani pontificis tuicione consistunt, aliquem ibi officium advocatie gerere vel usurpare interdicimus.*" Weech, *Codex* 1: 2 no. 2. This document is one of the best examples of papal support for Cistercians' freedom from guardianship (*Vogteifreiheit*), with Innocent's claim to exclusive protection not only over Salem but also over the entire Cistercian order. Rösener, *Salem*, 34.

[22] "*Quia vero fratres eiusdem ordinis speciali obedientie subiectione ad Romanam spectant ecclesiam, cuius nos speciales advocati et defensores sumus, aliquam personam ibi officium advocatie gerere vel usurpare omnio sub obtentu gracie nostre interdicimus, solis nobis nostisque successor ibus hoc defensionis officium imperpetuum conservantes.*" Weech, *Codex* 1: 11 no. 6. Rösener (*Salem*, 37) compares this text with that of Eugene III in 1146.

[23] Goetz, *Niedere Gerichtsherrschaft*, 63, 98–99; Rösener, *Salem*, 31, 44. On the debate over Cistercians and freedom from guardianship (*Vogteifreiheit*) see Rösener, "Südwestdeutsche Zisterzienserklöster," 24–29; and idem, *Salem*, 16–18.

The true nature of Imperial protection and freedom from ecclesiastical guardianship (*Vogteifreiheit*) did not however correspond to such grandiose claims. In periods of political instability, especially following the double election of 1198, during the Interregnum (1256–1273), and under Louis the Bavarian's reign (1314–1347), the threat of violence escalated and Salem could not depend on the Emperor or his supporters for aid. Whenever possible, Salem's abbots avoided the escalation of violence by seeking legal arbitration and entering "voluntary" protection agreements with stronger neighbors and potential attackers.[24] During times of Imperial weakness, the limits of Salem's claims to freedom from guardianship were readily apparent.

In 1274 the establishment of the *Landvogtei*, or Imperial vice regency, marked an important change in the provision of Imperial protection. The *Landvogt* (vice regent) exercised Imperial authority in his given region, including the protection of Churches.[25] The office of *Landvogt* was pledged to a succession of regional dynasties in return for loyal service and especially loans. The first to hold the title in Upper Swabia were the Werdenbergs, who also acquired the Linzgau county of Heiligenberg in 1277 for only 500 Marks. Since the counts of Heiligenberg already claimed high justice over Salem's properties in the region, this consolidation of rights inevitably led to conflict.

During the reign of King Louis the Bavarian (1314–1347) Salem reached a political low-point.[26] The abbot entered temporary protection agreements with several area noblemen including Count Albrecht I of Heiligenberg.[27] In 1318 the count offered his protection for one year in return for payment, and promised to defend the abbey's property and

[24] Rösener, *Salem*, 57–61.

[25] On the *Landvogtei* in Upper Swabia, see Eberhard Gönner and Max Miller, "Die Landvogtei Schwaben," in Friedrich Metz, ed., *Vorderösterreich. Eine geschichtliche Landeskunde* (Freiburg: 1967), 407ff.; and Hans-Georg Hofacker, "Die Landvogtei Schwaben," in Hans Maier and Volker Press, eds., *Vorderösterreich in der frühen Neuzeit* (Sigmaringen: 1989), 57ff.

[26] Salem had actively opposed Louis the Bavarian, and Abbot Conrad was held ransom by the king's supporters on multiple occasions during his diplomatic missions to the pope on behalf of the failed contender, Frederick the Fair. Rösener, *Salem*, 70–72.

[27] Salem also entered protection agreements with the Count of Hohenberg (1317), the Count of Werdenberg-Sargans (1323, 1325, and 1327), the *Vogt* of Sigmaringen (1324, 1327, and 1329), the count of Nellenburg (1324), and the Count of Montfort (1343). On each occasion, protection was promised over the abbey's properties in a specified region, not in general. Rösener, *Salem*, 75–6.

dependents as his own without demanding additional cash, produce, or services.[28] At a territorial assembly in 1322, Count Albrecht declared that "those abbeys without legal guardians should submit to no one (and no law) other than ourselves (the count)."[29] In other words, Salem's lack of a guardian now served not as the basis for exemption from the count's authority, but rather, for subjection to him. This was clearly an attempt to strengthen territorial claims over the abbey and to interpret protection in terms of justice as well as defense. For the next twenty years Salem renewed its protection agreements with Heiligenberg, paying large sums on a regular basis.[30] In 1326 Count Albrecht began calling himself "*Landvogt* of the Lake." Following an unspecified dispute in 1327 the abbot agreed to pay 300 pounds, although he had given three wagon-loads of wine the month before.[31] In 1328 the monks asserted that the agreement was made "neither by right nor by custom, but rather out of agreement and the desire for protection."[32] But in the 1320s and 30s Count Albrecht was appointed several times as *Landvogt* of Upper Swabia. Even when he did not hold this title, Count Albrecht enjoyed royal recognition as the abbey's primary protector.[33] By the end of King Louis's reign, Salem's claims to freedom from guardianship and enjoyment of exclusive Imperial protection had become severely compromised.

Upon his election, King Charles IV immediately recognized Heiligenberg's guardianship rights over Salem in an attempt to win the count's loyalty. Then on 27 January 1347 he confirmed the abbey's privileges and promised his "special royal protection."[34] Three days later Charles revoked Heiligenberg's guardianship rights, granted less than two months before. He explained: "We have now come to realize that it is damaging and not helpful to the abbey of Salmansweiler or

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[28] Weech, *Codex* 3: 245 no. 1191.

[29] "*die clöster, die vogtes nit enhan sont durch recht, daß sich der durch (recht) nieman unterziehen soll, wann wür (der Graf)*." See Rösener, *Salem*, 73; Goetz, *Niedere Gerichtsherrschaft*, 98–99; Georg Tümbolt, *Das Fürstentum Fürstenberg von seinem Anfängen bis zur Mediatisierung im Jahre 1806* (Freiburg i.B.: 1908), 96–7.

[30] See Weech, *Codex* 3: 245–9 no. 1191–1191u. Salem gave cash, grain, wine, and horses in return for protection.

[31] Weech, *Codex* 3: 247 no. 1191k–1191n.

[32] "*von kaim reht noch von kainer gewonhait, sundir von liebi und durch schirmes willen.*" Weech, *Codex* 3: 248 n. 1191p.; Rösener, *Salem*, 72; Goetz, *Niedere Gerichtsherrschaft*, 99.

[33] Rösener, *Salem*, 76.

[34] Weech, *Codex* 3: 351 no. 1295. This privilege was probably the result of the monks' petition at the Imperial Diet in Ulm. Rösener, *Salem*, 77.

to the Empire."[35] In place of the count, Charles reinstated his *Landvogt* as the abbey's Imperial protector. On 2 October 1353 the king called on all members of the public peace to defend Salem against Heiligenberg's continuing oppression and called Salem "an abbey of the holy Empire."[36] He later stated more explicitly: "We acknowledge that neither this count nor anyone else has any right or lordship over the abbey, since this lordship belongs to us and to the Empire without any mediation."[37] Finally, Count Albrecht's sustained defiance of these resolutions resulted on 24 February 1354 in a most important privilege. King Charles declared the abbey's unmediated Imperial status and recognized the abbot's court as the only source of temporal jurisdiction over the abbey's dependents.[38] After 1354 Heiligenberg continued to be Salem's greatest political adversary, but guardianship ceased to be a source of conflict.[39]

Indeed, guardianship was no longer a major issue for Salem after 1354. One reason is that the counts of Heiligenberg were never again able to use protection over the abbey in their strategy of territorial overlordship. In fact, Heiligenberg's relative weakness as a territorial power in the following centuries made the county much less of a threat than it once was.[40] Second, Salem maintained exceptionally good relations

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[35] "*nu haben wir wol ervaren, daz ez pede, dem riche und ouch dem kloster ze Salmanswyler, schedlich ist und nicht hilflich*." Weech, *Codex* 3: 351 n. 1296; Rösener, *Salem*, 77.

[36] Weech, *Codex* 3: 360 no. 1310.

[37] "*So bekennen wir, weder dem selben grafen noch iemanden anders dheines rechten oder herschaft an dem closter, wann die herschaft unser und des reichs on allen mittel ist*." Weech, *Codex* 3: 362 n. 1312; and Rösener, *Salem*, 79. Another Imperial declaration mentioned a failed agreement between Salem and Heiligenberg made in Constance. Weech, *Codex* 3: 361 n. 1311.

[38] This text, with its bestowal of full jurisdictional powers, went beyond even the abbey's own claims of judicial authority. Until 1637 blood justice continued to be practiced within Salem's lands by the count of Heiligenberg. Karl Siegfried Bader, *Studien zur Rechtsgeschichte des mittelalterlichen Dorfes*, vol. 1 (Weimar: 1957), 175; Rösener, *Salem*, 79.

[39] Goetz, *Niedere Gerichtsherrschaft*, 101–2. In later treaties between Salem and Heiligenberg, guardianship came up occasionally. Such examples demonstrate Salem's active defense of its rights and rejection of any attempt by Heiligenberg to extend territorial claims through guardianship.

[40] Heiligenberg became embroiled in costly property disputes in Graubünden shortly after 1354. Partitions among heirs and dynastic misfortunes were another source of weakness. In the late fifteenth century the *Landvogt* seized land and rights from Heiligenberg in the eastern Linzgau. Meanwhile, Salem was not the only lordship attempting to build its own separate territory inside the county. Finally, the count's minimal land holdings were a constant source of financial weakness, and besides high justice, the count's lordship rights were limited. When the Fürstenbergs acquired the county in

with the *Landvogt*, who remained Salem's primary protector throughout the early modern period. Salem was able to avoid the conflicts that characterized other abbeys' relations with the Austrian *Landvogt*, due in large part to geographical distance and the fact that the *Landvogt* did not have high justice, hunting and forest rights, or authority over safe conduct in Salem's lands.[41] The *Landvogt*'s control over Salem diminished further in 1487 when the abbey received the right to appoint a guardian of its choice, and in 1541 with the abbey's exemption from the Imperial district court (*Hofgericht*) in Upper Swabia.[42]

The threat of Habsburg's territorial ambitions encouraged the smaller lords of Swabia to work together, joining regional associations for the purposes of peace-keeping and defense. In the late fifteenth century Salem was a member of the Society of St. George's Shield. The abbey later joined the Swabian League, the College of Imperial Prelates, and the Swabian Circle. Membership in the latter three assemblies was restricted to Imperial estates, the recognition of which added protection against stronger neighbors like Austria. Salem was among those who brought suit against the *Landvogt* before the Swabian League in 1523 after he insinuated the dependence of several abbeys, nobles, and cities by inviting them to attend a territorial diet.[43] Salem was isolated within regional assemblies for various reasons, and became more so after 1648.[44] Salem was the highest ranking member among the

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1534, Heiligenberg became even more of a political backwater and was sometimes administered by a hired official in the count's absence. See Rösener, *Salem*, 81; Goetz, *Niedere Gerichtsherrschaft*, 69–72, 106–7; Gönner and Miller, "Landvogtei," 695; Ronald Asch, *Verwaltung und Beamtentum. Die gräflich fürstenbergischen Territorien vom Ausgang des Mittelalters bis zum schwedischen Krieg 1490–1632* (Stuttgart: 1986).

[41] The *Landvogtei* became an important tool of Habsburg territorial politics from the late fifteenth century and threatened other abbeys such as Weingarten, Weissenau, and Baint. On the differences between Salem and Weingarten's experiences see Reden-Dohna, "Österreichischen Vorlanden," 88–9; idem., "Weingarten," 240–1; idem., *Reichsstandschaft*, 17–20.

[42] Weech, *Codex* 3: 431 no. 1385e; Schneider, *Salem*, 133.

[43] Gonner and Miller, "Landvogtei," 688. Asked to attend were Salem, Weingarten, Ochsenhausen, Rot, Weissenau, Schussenried, Waldburg, Königsegg, Memmingen, Biberach, Ravensburg, Wangen, Leutkirch, and Buchhorn.

[44] Salem was the only male Cistercian house in south Germany possessing Imperial status, so it could not collaborate with other Cistercians in these assemblies. Salem's geographical location was also a source of isolation. Salem's enormous wealth and status was a cause of jealousy, resulting in Imperial tax assessments higher than the bishop of Constance, the count of Fürstenberg, or any other abbey. Finally, Salem's stubborn support of Austria was unpopular in all three assemblies. Reden-Dohna describes acute hostilities between Salem and Weingarten, especially after 1648 (see "Österreichischen Vorlanden," 88–9); Ernst Böhme mentions disagreements in the

Imperial prelates, but its pro-Austrian stance created tensions between Salem and the other leading member, Weingarten. It also resulted in Salem's under-representation in College leadership.[45] Salem's relations with the Habsburgs caused isolation from other abbeys; conversely, the abbey's political isolation caused it to rely more heavily on the Emperor.[46] In the early modern period, Salem's relative independence from neighboring powers resulted therefore from a combination of factors: membership in regional associations, good relations with the Emperor, the possession of Imperial status, and above all Heiligenberg's weakness and the *Landvogt*'s distance as well as the division of higher authority between them.

After 1354 justice replaced guardianship as the central issue of conflict between Salem and Heiligenberg. Justice also served as Salem's primary vehicle of territorial independence. Charles IV's privilege of 1354 proclaimed:

> In temporal matters, no person of the abbey—wherever they live and however they are called, whether they be of status high or low—is to be invited or forced to appear before any court other than the abbot's own, whose judges traditionally sit at the abbey's upper gate. Furthermore, these people of the abbey shall answer in all worldly matters only to the abbey's judges at the said location.[47]

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earlier period (see Böhme, "Das Kollegium der Schwäbischen Reichsprälaten im 16. und 17. Jahrhundert," *RJKG* 6(1987): 268). On the other hand, Salem's abbots were among the close circle of advisors around Gerwig Blarer of Weingarten during the mid-sixteenth century. Frank Göttmann, "Die Bünde und ihre Räume," in Christine Roll, ed., *Recht und Reich im Zeitalter der Reformation: Festschrift für Horst Rabe* (Frankfurt and New York: 1996) 449.

[45] Three and perhaps four of Salem's abbots were successively elected director of the college however: Matthäus Rot (1580–1583), Vitus Necker (1583–1587), and Christian Fürst (1589–1593). Salem's Abbot Johannes VI Bücheler may have been director in 1588–1589; no one is listed during this brief period. Three of Salem's abbots also served as assistant directors (*Kondirektor*) from 1591 to 1618. See Hölz, *Krummstab*, 106–7; Böhme, "Kollegium," 286–7.

[46] Reden-Dohna, *Reichsstandschaft*, 18. The position of the Habsburg Emperor was not necessarily the same as that of the Austrian archduke or *Landvogt*; however, good relations with the former could certainly improve relations with the latter. Salem boosted its Imperial position through money-lending and financial assistance, participation in arbitration committees, support of Imperial interests in regional associations, and retirement benefits for Imperial officials. In return Salem received regular confirmations of privileges, tax breaks and exemptions, and support against Heiligenberg.

[47] "*Das man all leut unnd dienere des vorgenannt'n Closters wo die wonhafft unnd gesessen Sind uff Irem Gute merckten Dorffern oder höfen wie die genannt sind, Sy sein hoh oder nider, umb all ye weltlich Sache fur kain gericht laden, oder furtriben sol wann fur des Abbts gerichte, oder Richter desselben Closters, der da Sitzet gewondlichen zu Gericht In den obern porten des obgenannte' munsters*

This statement was reflected in Salem's subsequent legal statutes and oath formulas, which insisted repeatedly, almost obsessively, that no person of the abbey was to appear before outside courts. In fact, however, the court's authority was not as extensive as the abbey claimed. A treaty of 1390 confirmed its competence over petty offenses committed inside the territory, and over more serious cases involving "flowing wounds" which occurred within settlement boundaries.[48] But capital crimes were punished by Heiligenberg's court, and so were other serious acts committed outside the village. The fact that Salem lacked high justice, a traditional basis of territorial rule, was all the more reason for abbey leaders to exaggerate their court's authority and to grant it the greatest possible powers. They did not deny Heiligenberg's authority over capital crimes, but penalized subjects who appeared in the county court without prior permission.[49] Citing the privilege of 1354 against the count's protests, Salem maintained its oath formulas prohibiting all subjects from appearing before outside courts.[50] In a long series of disputes settled between 1390 and 1637, jurisdiction was the primary source of conflict.[51] Thus the abbey's court served as a major safeguard against Heiligenberg's political encroachment and was even the basis for eroding the county's rights from below.[52]

Yet protection against Heiligenberg was only the start of the court's significance. The *Sidelgericht*, as the abbey's court was called, was unusual and perhaps unique among the courts of early modern territories. Its fifteen members were all peasant subjects chosen from the abbey's main

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unnd klosters, unnd die sullen umb all weltlich Sache, wie die genannt Ist vor dem selben Richter unnd an der vorgenanten Statt des Closters antwurten." Generallandesarchiv Karlsruhe (GLAK), 67/1468, fol. 45r.

[48] Two villages of the central territory had their own village courts. One of them, Bermatingen, was exempt from the territorial court's authority. For most other territorial subjects, the central court was the court of first instance.

[49] The abbey's ancient customary law, the *Alte Jarbrief*, specified a penalty of 3 lb. dn. for unapproved court appearances. Versions of this text are found in GLAK, 4/116, 4/368, 67/1478, 67/1782, and elsewhere. In a council discussion of 1602, individual subjects were forbidden to obey Heiligenberg's court summons on pain of 40 lb. dn. See GLAK, 61/13315.

[50] See the 1502 agreement GLAK, 67/1429 and 67/1431.

[51] Treaties between Salem and Heiligenberg concerning justice and other issues can be found in GLAK, 67/1429, 67/1431, 67/1478, and 67/1782; Weech, *Codex* 3: 400–409 no. 1361a–1361n.

[52] According to Goetz, Heiligenberg's lordship rights beyond high justice were extremely limited. He concludes that low justice was the better tool for territorial state-building in the Linzgau. Goetz, *Niedere Gerichtsherrschaft*, 111–114.

villages.[53] They applied unitary law to all territorial residents regardless of legal status or tenure. The fifteen lay judges used customary procedures such as the *Umfrag* (collective law-finding), and customary legal standards including tradition and conscience as well as ancient territorial statutes. And, the *Sidelgericht* was one of the abbey's oldest and most enduring temporal institutions, lasting as its principal court for more than three centuries.[54] What is unusual about this court is not that its members were peasants, but that peasants found and declared the law on a territorial basis.[55]

The *Sidelgericht*'s unitary legal standards and centralization of justice fostered territorialization from within, establishing a homogenous body of subjects with uniform rights and obligations.[56] The court strengthened the abbey's authority over all territorial inhabitants and was the basis

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[53] A prosopographical study shows that the judges (*Sidelrichter*) were predominantly local elites but not a homogenous or exclusive ruling class. In 1578 their average wealth (1489 fl.) was far above the territorial average (369 fl.), but not every judge was wealthy—one judge in ten had below the territorial average. Many were abbey tenants, but few held hereditary farms (Salem preferred annual leases). Judges served single-year terms, and half served for ten terms or more while two men were members for forty years! Seat rank generally rose over time, and the head judge (*Stabhalter*) was chosen from among the judges; unfortunately the method of appointment or selection is unknown. There was a definite link between local and territorial office-holding: at least 50 out of 130 judges served concurrently as village headman (*Amtmann*). Several key families supplied multiple judges over the generations, sometimes in direct succession over long periods (kin could not serve together on the court). Marriage ties also appear to have played a role, but the data is inconclusive. Most territorial judges were Salem's serfs, but a minority of them (or their wives) was not. Finally, the judges lived in different villages so they represented the territory geographically and linked the various communities together. More details are given in my forthcoming dissertation, The Abbot and His Peasants: Building the Territorial State in Salem, 1468–1637.

[54] The *Sidelgericht* was transformed in the late seventeenth century following Salem's acquisition of high justice. The new court, called the *Hals-* or *Malefitzgericht*, was also composed entirely of peasant subjects. See GLAK, 98/597.

[55] Also unusual is the survival of extensive written records from this court, probably kept by the abbey secretary or other chancery official. GLAK, 61/13322–13329, 1583–1654.

[56] Territorialization, or territorial state-building, involved the unification and intensification of lordships in a bounded, supra-local region under the authority of a single ruler. This was effected through a two-pronged approach, which on the one hand excluded outsiders and their lordship claims within the bounded area and on the other hand levelled resident dependents' status and duties, creating a common band of subjects. See Maurer, "Ausbildung," 157; André Holenstein, "Äbte und Bauern. Vom Regiment der Klöster im Spätmittelalter," in Peter Blickle, ed., *Politische Kultur in Oberschwaben* (Tübingen: 1993), 263; Claudia Ulbrich, *Leibherrschaft am Oberrhein im Spätmittelalter* (Göttingen: 1978), 275–80; Peter Blickle, *The Revolution of 1525: The German Peasants' War from a New Perspective*, trans. Thomas A. Brady, Jr. and H.C. Erik Midelfort (Baltimore and London: 1981), 83; Hölz, *Krummstab*, 86–7.

of other rights such as tax collection, legislation, oath-taking, labor and military services.[57] But it was its ability to combine the interests of rulers and subjects, promoting cooperation between them, that made the *Sidelgericht* the primary basis of territorial unity. In accord with Cistercian ideals discouraging relations between monks and the outside world and prohibiting their judgment of temporal disputes, subjects' self-administration of law allowed the convent to maintain its distance. Peasant judges were unpaid and under the abbey's direct control, unlike professional jurists who required high salaries or nobles who alienated authority for dynastic purposes.[58] Because justice remained in peasants' hands, the centralization of legal authority was not contrary to subjects' interests. The *Sidelgericht* secured for subjects a role in the process of state-building on their own terms, and brought the various local communities together in one community of the entire territory, based on common participation and shared legal customs.

The *Sidelgericht* compensated for the abbey's defenselessness by restricting outside jurisdictions and resolving internal conflicts. And the court brought protection and legitimacy in yet a third sense, suggested by Gadi Algazi. Algazi argues that protection was understood by peasants not in terms of physical defense against outside attack, but rather, as a matter of limiting the lord's own domination.[59] Using the phrase *bleiben lassen*, "let it be," subjects reminded lords of their duty to respect traditional rights and abstain from new and arbitrary demands. A resistance movement led by the peasant judges against Salem in 1468 supports Algazi's interpretation, since their grievances targeted not the abbeys' inability to defend its subjects, but rather, its increasing demands in the areas of legal status, tenure, and heritability, all felt to be arbitrary and contrary to custom.[60] The resulting partnership agreement of 1473

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[57] Goetz, *Niedere Gerichtherrschaft*, 21ff. An agreement with Überlingen in 1469 gave Salem jurisdiction over foreign serfs living within territorial boundaries. A decision between Salem and Heiligenberg in 1484 recognized the *Sidelgericht's* jurisdiction over tenure disputes between Salem and its dependents living beyond these same boundaries. Weech, Codex 3: 440 no. 1400 (1469) and 3: 408 no. 1361m. (1484).

[58] Professional jurists played an important role as Salem's legal advisors and representatives in suits between the abbey and outside powers, but not between the abbey and its subjects or involving internal disputes.

[59] Gadi Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter: Herrschaft, Gegenseitigkeit und Sprachgebrauch* (Frankfurt and New York: 1996).

[60] For a discussion of similar agreements and the sources of disagreement behind them, see Peter Blickle, "Grundherrschaft und Agrarverfassungsvertrag," in Hans Patze, ed., *Die Grundherrschaft im späten Mittelalter*, vol. 1 (Sigmaringen: 1983); Maurer,

established legitimacy of rule and expanded the *Sidelgericht*'s powers.[61] From then on, the fifteen peasant judges not only administered justice for the entire territory. They were also recognized as legislative partners, with all future legal amendments requiring their consent.

My last example concerns the social origins of Salem's abbots.[62] This topic provides additional evidence of Salem's legitimacy among subjects and also demonstrates one of the more significant consequences of elective rule. During the Middle Ages, the nobility contributed substantially to the abbey's leadership. At least one-third of Salem's medieval abbots were nobles, including the influential Eberhard I von Rohrdorf and Ulrich III von Werdenberg-Sargans.[63] But even in the early period, leadership positions were more commonly held by lesser nobles and urban elites.[64] By the sixteenth century, commoners dominated. In 1276 Salem's convent elected its first burgher prelate Ulrich Graeter from Biberach; then in 1471, its first peasant abbot Johannes I Stantenat from rural Alsace.

Salem's most celebrated early modern abbot was Thomas I, a former serf and abbey subject who ruled from 1615 until 1647.[65] Thomas I not only steered his abbey through the troubled years of the Thirty Years' War, he actually improved its standing in several key respects: he directed ambitious building projects; helped establish the Cistercian Order's Upper German Congregation and served as its first director; and most significantly, signed a treaty with Heiligenberg in 1637, thus ending the centuries-long jurisdictional dispute between the two powers. The treaty with Heiligenberg recognized Salem's full powers of high justice and the legal and geographical boundaries of the abbey's core

"Ausbildung," 160–3; Holenstein, "Äbte und Bauern." For a collection of primary texts including Salem's partnership agreement of 1473, see Peter Blickle and André Holenstein, eds., *Agrarverfassungsverträge: eine Dokumentation zum Wandel in den Beziehungen zwischen Herrschaften und Bauern am Ende des Mittelalters* (Stuttgart: 1996).

[61] See Blickle and Holenstein, *Agrarverfassungsverträge*.

[62] See Schneider, *Salem*, 55–59 for a fuller discussion of the social background of Salem's forty abbots. Biographical sketches are found in *Helvetia Sacra*, 351–75; and in Staiger, *Salem*.

[63] Among the first twenty abbots, six were nobles, six were burghers, six were of unknown social background, and two were commoners of rural origin. See Schneider, *Salem*, 55f.

[64] See Schneider, *Salem*, 56–7.

[65] Karl Becker, "Salem unter Abt Thomas I. Wunn und die Gründung der oberdeutschen Cistercienser-Kongregation 1615–1647," *Cistercienser Chronik* 48(1936): 137ff.

territory.[66] In 1637 it was a peasant abbot who achieved for Salem fully independent and unmediated status within the Empire, a title claimed since 1354 but now for the first time entirely justified.[67]

Between 1494 and 1647, five out of fifteen abbots were Salem's own former subjects.[68] Among the twenty-two who ruled after 1500, nine were from the abbey's own villages and three others came from neighboring towns.[69] Not only Salem's abbots, but also monks, lay-brothers, district officials, and abbey employees were drawn from among area residents of modest social origins.[70] Several explanations help account for this fact. As already stated, monastic ideals and the Cistercian lifestyle were more attractive to burghers and peasants than to nobles, especially by the later middle ages. And the admission of burghers and peasants brought the convent many practical advantages. Monks from urban areas furnished entry donations, commercial know-how, access to regional markets, and good relations with neighboring towns.[71] Peasant abbots built legitimacy among common folk and promoted

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[66] GLAK, 4/1158–1164[alt 82]. In return Salem conceded significant rights and property in the northern Linzgau.

[67] Many leading historians see 1637 as the date of Salem's achievement of *Landeshoheit*, or full territorial authority. See Hermann Baier, "Die Stellung der Abtei Salem in Staat und Kirche," *Freiburger Diözesanarchiv für Kirchengeschichte* 62(1934): 134; Rösener, *Salem*, 80; *Helvetia Sacra*, 345; *Kloster und Staat. Besitz und Einfluss der Reichsabtei Salem*, ed. Markgräflich Badische Museen (Salem: 1984), 12–13.

[68] Johannes II (r. 1494–1510) was from Mimmenhausen, the village just beyond the abbey. He attended the Imperial Diet in 1497 and the Imperial Governing Council (*Reichsregiment*) in 1500. He directed building projects including a new hospital with attached chapel and a library with 39 glass windows. He studied at Heidelberg. Johannes III (r. 1534–1543) was likewise from Mimmenhausen. The convent elected him unanimously. In 1541 he defended the abbey against the bishop's efforts to turn Salem into a dependent prebend; he also gained exemption from the Imperial district court (*Hofgericht*) in Rottweil. Vitus Neckher (r. 1583–1587) from Mimmenhausen was a patron of education. He studied at Dillingen and Freiburg, sponsored local boys' university studies, promoted learning within the convent, and expanded the abbey library. He was also director of the Swabian College of Imperial Prelates. He served previously as the abbey's district administrator (*Pfister*) and as overseer of guardians for widows and orphans. Abbot Vitus held a short term in office, but his successor, Johannes VI (r. 1587–1588) from Salem's village of Neufrach, served even less. He died unexpectedly after only six months.

[69] Schneider, *Salem*, 56.

[70] See my forthcoming dissertation, The Abbot and His Peasants: Building the Territorial State in Salem, 1468–1637.

[71] Schneider, *Salem*, 57. Urban property and trading networks were a key element of Salem's economic success. From the early thirteenth century Salem acquired property and trading privileges in thirty towns including Überlingen, Constance, Schaffhausen, Stockach, Pfullendorf, Messkirch, Esslingen, Nürtingen, Elchingen, Ulm, Ehingen, and Biberach. See *Kloster und Staat*, 71 for a map of these and other places.

social integration. They were also well aware of rural conditions and experienced in agricultural management. It is no coincidence that the convent chose its first peasant abbot at the height of communalism's power and as Salem consolidated its authority inside rural districts. Elected in the midst of a major conflict between the abbey and its subjects, Johannes I ended the crisis two years later by signing the partnership agreement of 1473.

Perhaps the most important reasons for the admission of commoners were the convent's social composition, philosophy of order, and election practices. Since the abbey's members were mostly burghers and peasants, and since leaders were elected by the entire convent, it is not surprising that they would choose abbots and administrators with similar backgrounds and values. Salem's early modern abbots were overwhelmingly non-noble, well-educated, and experienced in the practical skills of territorial administration.[72] One of the most important consequences of election was that leadership rose from within, permitting even non-nobles to assume leadership. The very idea that subjects could assume rule ran counter to the hierarchical structure of estates, in which one's role in life was believed to be rigidly determined by birth. The social background of Salem's leadership had far-reaching consequences, and not only within the abbey and its territory. This is because Salem's abbots were members of Imperial and regional assemblies, arbitrators of neighbors' disputes, and leaders of the Cistercian Order in Upper Germany. They often out-ranked their peers and set an example among their colleagues.

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In closing, I will compare Salem's experience with that of other southwest German abbeys and offer some final conclusions about ecclesiastical territories and early modern rule.

The problem of ecclesiastical guardianship was common among religious institutions. However, ecclesiastical guardianship as such did not establish common lines of political development. Most bishops and

[72] At least fourteen of Salem's abbots were university educated, and so many served previously in other administrative offices that Schneider concludes the convent must have favored candidates with many years' experience running the monastic household and territorial economy. Schneider, *Salem*, 71, 80.

prince-abbots were powerful enough to escape domination by guardians; some, such as the bishop of Augsburg and prince-abbot of Kempten, even practiced guardianship over others.[73] But more often, ecclesiastical guardianship obstructed temporal development. Even the ancient and well-endowed abbeys of Ottobeuren, St. Blasien, and Weingarten fought hard uphill battles to establish their independence from neighboring powers.[74] Abbeys under Imperial guardianship generally fared better than those under territorial princes, but early privileges were no guarantee.[75] Like Salem, the Cistercian abbeys of Maulbronn, Herrenalb, and Bebenhausen initially enjoyed Imperial protection and freedom from guardianship, but unlike Salem, all three were secularized during the Reformation after their subjugation to Württemberg.[76] Competing claims between Austria and Württemberg benefited Zwiefalten, allowing that abbey to avoid the fate of other Württemberg dependents.[77] Thus the consequences of guardianship depended on many factors, including location and regional political structures, Imperial ties, the possession of other rights like high justice and landlordship, and the identity and ambition of guardians.

Salem's territorial court, the *Sidelgericht*, appears to have been a special case. Yet it lacked neither similarity to the institutions of other territories,[78] nor significance for our understanding of early modern rule. Salem had no *Landschaft* or assembly of estates before the Thirty Years' War. One explanation for this might be that Salem's territory had only one estate, the peasantry. But other small territories had assemblies of peasants, among them Kempten and Ochsenhausen.[79] I suspect

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[73] Fried, "Ostschwaben," 427–30, 433.

[74] Tüchle, "Süddeutsche Klöster," 106–108; Reden-Dohna, "Österreichischen Vorlanden;" idem., "Weingarten;" Reinhardt, *Restauration*.

[75] Fried, "Ostschwaben," 427.

[76] Rösener, "Südwestdeutsche Zisterzienserklöster;" Sydow, *Bebenhausen*; idem., "Die Auflösung des Zisterzienserklosters Bebenhausen," in *Festschrift für Hermann Heimpel zum 70. Geburtstag*, ed. Max-Plank-Institut f. Gesch., vol. 36/1, (Göttingen: 1971), 698–717.

[77] Zwiefalten came under Württemberg's guardianship in 1491 and was one of only two abbeys there to survive secularization in the Reformation era, thanks to Habsburg support. Zwiefalten attained Imperial status in 1750. See Setzler, *Zwiefalten*.

[78] Peasant courts at the supra-local level were found in other places; Heiligenberg's court was also staffed by territorial subjects, usually peasants (except for the head judge). Goetz, *Niedere Gerichtsherrschaft*, 73f., 80. For other examples see Heinz Cattani, *Entwicklung des Talgerichts von Engelberg unter Klosterherrschaft*, Dissertation Zürich (Stans: 1935); Maren Kuhn-Rehfus, *Das Zisterzienserinnenkloster Wald. Grundherrschaft, Gerichtsherrschaft und Verwaltung* (Sigmaringen: 1971) 297f.; Bob Scribner, "Communities and the Nature of Power," idem., ed., *Germany: A New Social and Economic History* (New York: 1996) 305.

[79] Other territories with *Landschaften* composed solely of peasants included Berchtesgaden, the Swabian *Landvogtei*, Rettenberg-Sonthofen, Rot an der Rot, Rottenmünster,

the major reason why Salem had no *Landschaft* was that the *Sidelgericht* fulfilled many similar functions. Both organizations were composed of common subjects representing different localities. Both mediated relations between ruler and subjects and raised political consciousness among ordinary people. Both embodied the territorial community, often not on the lord's terms. Like the *Landschaften*, the *Sidelgericht*'s competence grew out of popular resistance movements of the later middle ages. The *Sidelgericht* was not authorized to approve taxation, but it did help determine and publicize territorial price limits.[80] It had legislative powers as well. Most importantly, the *Sidelgericht* guaranteed the self-administration of justice at the territorial level: it was peasants who interpreted and declared the law according to common custom. In the century after 1550, when many *Landschaften* declined in importance and even fell dormant, the *Sidelgericht* continued to give subjects a central political role. Even after the treaty of 1637, ordinary subjects continued to occupy the court.

Although evidence suggests that common subjects were active in the regimes of many southwestern abbeys, the ecclesiastical nature of lordship was at best a supporting factor in the development of popular participation. On one hand, Hans-Martin Maurer argues that the territorial consolidation of abbeys was particularly vulnerable to peasant opposition because the exclusion from higher forms of authority forced abbeys to intensify rule through lordship over land, serfs, and low justice.[81] But on the other hand, peasants' political activities may be correlated with regional factors like the fragmentation of authority in the southwest or traditions of communal organization.[82] Salem's *Sidelgericht* contributes to our knowledge of the diversity of peasant political action. It demonstrates subjects' influence and participation both before and after the German Peasants' War, in an area not covered by previous studies: namely, through territorial justice.

Rottweil, Schussenried, Tettnang, and Trauchburg. See Peter Blickle, *Landschaften im Alten Reich: Die staatliche Funktion des gemeinen Mannes in Oberdeutschland* (Munich: 1973), 154; idem., *Obedient Germans? A Rebuttal: A New View of German History*, trans. Thomas A. Brady, Jr. (Charlottesville and London: 1997), ch. 2.

[80] The annual *Fruchten Anschlag* was published in the records of the *Sidelgericht*, see GLAK, 61/13324–13327, 1595–1631.

[81] This argument helps explain why so many late medieval resistance movements were directed at abbatial lordships. Maurer, "Ausbildung," 162–3.

[82] Blickle, *Obedient Germans*, 25–32, 63; idem., *Revolution of 1525*, 83.

Finally, the social background of abbots and convents yields greater similarity than we might expect. By the early fifteenth century, Bebenhausen and Maulbronn were each composed mostly of burghers and peasants, and each elected non-noble abbots on a regular basis.[83] Not only Cistercians, but Benedictines too increasingly admitted commoners and elected them as abbots from the fifteenth century. A long list of such abbeys suggests that aristocratic Kempten, not Salem, was the exception to the rule.[84] Other abbeys relied less than Salem on peasants and territorial subjects as members and territorial officials; but Salem represents a trend that was in fact more common than has generally been recognized.[85] Reichenau, an abbey with strict entry restrictions, was forced to admit burghers after its convent dwindled to only two members.[86] Even female houses, tied longer and more closely to the interests of aristocratic families through their care of noblewomen, began to accept non-nobles in the sixteenth century if not earlier.[87] The social composition of early modern abbeys makes sense when we

[83] Jürgen Sydow, *Bebenhausen*, 80–85; idem, "Sozialstruktur Bebenhausens," 94–100.

[84] Petershausen, Alpirsbach, Hirsau, St. Georgen, St. Blasien, Blaubeuren, Ottobeuren, Irsee, Zwiefalten, Weingarten, Marchtal, Ochsenhausen, Elchingen, and even St. Gallen elected non-noble abbots in the early modern period. On the social composition of south German abbeys, see Armgard von Reden-Dohna, "Reichsklöster in Ostschwaben. Stand, Probleme und Aufgaben der Forschung," in Wilhelm Liebhart und Ulrich Faust, eds., *Suevia Sacra, Pankraz Fried zum 70. Geburtstag* (Stuttgart: 2001); idem., *Reichsstandschaft*; idem, "Weingarten;" Jürgen Sydow, "Die Sozialstruktur eines mittelalterlichen Zisterzienserklosters, dargestellt am Beispiel der Abtei Bebenhausen," *RJKG* 4(1985): 93ff.; Hermann Tüchle, "Süddeutsche Klöster;" and Maren Kuhn-Rehfus, "Die soziale Zusammensetzung der Konvente in den oberschwäbischen Frauenzisterzen," *ZWLG* 41(1982): 7ff. Reden-Dohna says ("Ostschwaben," 23): "If my view is correct, then Peter Blickle's research on the abbatial *Landschaften* has not considered the evidence of prelates' peasant origins and their resulting personal networks, which indeed relativised the opposition between abbey lordship and subjects. That may be because he proceeded from the princely foundation of Kempten, which possessed an aristocratic character."

[85] Reden-Dohna, *Reichsstandschaft*, 34; idem., "Ostschwaben," 22–23: "From the later middle ages the Imperial abbots of Swabia no longer came from noble families. More often they were, like other monks as a rule, the sons of burghers and peasants…Among them one can even discover the abbey's own subjects. This interesting phenomenon is far too little appreciated."

[86] Tüchle, "Süddeutsche Klöster," 119, 121. Kempten experienced a similar decline; see Hölz, *Krummstab*, 67 n. 29.

[87] Half of the female Cistercian houses in the German southwest lost their noble character by the early modern period, and even those that retained their aristocratic self-image began to accept burghers by the sixteenth century. See Maren Kuhn-Rehfus, "Soziale Zusammensetzung;" Tüchle, "Süddeutsche Klöster," 122.

consider that they, too, were a product of their environment, and had to adapt to changing socio-economic conditions in order to survive.[88] But the social structure of the early modern abbeys was not merely a response to declining membership or financial difficulty. It was a matter of political and social principles, resulting from practices of corporate rule, group decision-making, and the equality of all members as well as the spiritual values of personal poverty, charity, humility, and labor. The abbeys demonstrate, as do cities and rural republics, that absolutism was not the only possible course of early modern political development. They also challenge the notion that the Imperial Church was dominated by nobles and by feudal-dynastic interests.[89]

In the Empire, most would agree that no territory was typical, so the discovery that ecclesiastical regimes failed to conform to a common pattern comes as no great surprise.[90] Still, the case of Salem does contribute to our understanding of territorial rule, ecclesiastical or otherwise. It reminds us of the diversity of political experience in the Empire, and of the Church's high level of temporal authority, unusual in most of Europe. Salem reminds us of the need to consider the smaller territories in addition to the largest states, abbeys as well as episcopal principalities. The abbeys were natural allies of the Empire and supporters of peace-keeping associations. Their continuity promoted regional stability. But ecclesiastical institutions were capable of change as well. A good example of this is the involvement of burghers and peasants in the early modern period. One of the most striking aspects of political relations in Salem was the remarkable level of involvement by ordinary subjects at all levels of governance, and not in the well-charted

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[88] In 1417 the Benedictine provincial chapter justified the admission of burghers to the convent as a means of achieving the bare minimum of members. Exclusivity brought many houses to the threshold of extinction. See Tüchle, "Süddeutsche Klöster," 120–22.

[89] Reden-Dohna, "Zisterzienser," 52: "It is general practice to characterize the Imperial Church as an aristocratic Church. As a rule however this ignores the fact that in the modern period, sons and daughters of peasants and burghers embodied part of the Imperial Church as Imperial prelates, and so it cannot be seen as an aristocratic Church. . . . One could say that in these abbeys, social mobility took place as nowhere else in the Empire, built as it was on estates; [but the Empire's] social encrustation is often overstated. By way of monastic oath and abbatial election, subjects rose to lordship. As Imperial prelates they outranked the Imperial counts and naturally the territorially-dependent prelates as well."

[90] Wüst, *Geistlicher Staat*, comes to similar conclusions based on different categories. On the lack of the typical among German principalities see Schubert, *Fürstliche Herrschaft*, 3.

areas of village community, peasant revolts, or assemblies of estates;[91] but instead, through the administration of territorial justice and high professional mobility. The absence of social barriers within the territorial administration and the ability of common subjects to assume the abbey's highest office were not, however, signs of Salem's weakness as a temporal ruler. Rather, they were sources of stability which had social and economic advantages and established a compromise between the abbey's spiritual values and political necessity.

[91] Blickle, *Obedient Germans*; idem, ed., *Resistance, Representation, and Community* (New York: 1997).

"MY BITTER COMEDIE": THE TREASON TRIAL OF SIR NICHOLAS THROCKMORTON AND THE RULE OF LAW IN TUDOR ENGLAND*

Narasingha P. Sil

Introduction

Contrary to an influential thesis that Tudor treason trials and investigative interrogations are the manifestation of a pervasive paranoia characteristic of a "despotic regime" and the accused a bunch of bungling idiots,[1] a closer look at the treason trial of Sir Nicholas Throckmorton (Throgmorton or Frogmorton, 1515–71) in 1554 suggests a different conclusion in respect of the rule of law and its alleged violators. This paper, thus, seeks to argue on the basis of the Throckmorton case that the law of treason in Tudor England was first and foremost an aspect of the rule of law. Even though treason trials were based on the "accused speaks" theory (a pretty dicey situation for the defendant in case he refused or failed to respond to the incriminating evidence against him) rather than the "testing the prosecution" theory, the law, nevertheless, was designed "to afford the accused an opportunity to reply in person to the charges against him."[2] It was, of course, almost universally assumed

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[1] Lacey B. Smith, *Treason in Tudor England: Politics and Paranoia* (Princeton: Princeton University Press, 1986), see ch. 1.

[2] John H. Langbein, "The Historical Origins of the Privilege Against Self-Incrimination at Common Law," *Michigan Law Review*, XCII, 5 (1994), 1047–48. Langbein's observation flatly contradicts the gloomy conclusion of a Victorian legal expert who had written: "It seems that if a person was accused of treason he was to be deprived of every chance of an acquittal." J. Wills-Bund, *A Selection of Cases from the State Trials* (1879) cited in Richard L. Marcus, "The Tudor Treason Trials: Some Observations on the Emergence of Forensic Themes," *University of Illinois Law Review* (1984), 676 note 7.

that the accused would use this opportunity to make a public confession of his guilt.[3] Sir Nicholas, however, did something quite unexpected; he pleaded innocent and survived a potentially perilous situation by virtue of his acute knowledge of statute laws and the trial procedure as well as by his sheer forensic skill. It should be noted here that Throckmorton's success at the trial owed as much to his luck and pluck as to the legal and political tradition of his society. His eloquence could work for him only within an established legal framework of a constitutional monarchy guided by a long respected tradition of the rule of law tempered with mercy or *clementia*, that "was considered an essential part of sovereignty, both a necessary and legitimate adjunct to justice."[4]

Rule of Law

It is reasonably fair to hold that Tudor monarchy, *mutatis mutandis*, was personal, authoritarian, even tyrannical,[5] but never absolute or arbitrary. Long before the celebrated royal physician cum physiocrat philosopher François Quesnay (1694–1774) advised the French King Louis XV (1715–74) that an ideal polity is ruled by law rather than by the ruler, the most despotic Tudor monarch Henry VIII (1509–47) had learnt as early as 1532 that "the king could not use his subjects contrary to the law, for instance by imprisoning them without trial."[6] Admittedly, his government under Thomas Cromwell (1485?–1540) was essentially despotic in that the judiciary and the legislature had to bend to royal will. Yet even when an officer of state was executed as a traitor to the government primarily because he had offended his king, as was the case with Sir Thomas More (1478–1535), the procedural

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[3] See John Bellamy, *The Tudor Law of Treason: An Introduction* (London: Routledge & Kegan Paul, 1979), ch. IV.

[4] K.J. Kesserling, *Mercy and Authority in the Tudor State* (Cambridge: Cambridge University Press, 2003), 3 (see also 1–22). The Roman statesman and scholar Lucius Annaeus Seneca's (*c.* 4 B.C.–A.D. 65) *De Clementia* influenced Renaissance humanists who wrote on the virtue of mercy as "an instrument of state power and an obligation of rule." Ibid., 18.

[5] See George W. Bernard, "The Tyranny of Henry VIII" in G.W. Bernard and S.J. Gunn, eds., *Authority and Consent in Tudor England: Essays Presented to C.S.L. Davies* (Aldershot: Ashgate Publishing Limited, 2002), 113–29.

[6] John H. Baker, "Human Rights and the Rule of Law in Renaissance England," *Journal of International Human Rights*, II (April 2004). (See www.law.northwestern.edu/journals/jihr/v2/3, paragraph 5).

formalities such as a formal charge alleging his offence known to the law, public trial by duly appointed jury, as well as a full opportunity for the accused to present his case, had to be observed. As Professor Elton has remarked, despite occasional lapses and aberrations "Tudor thinking and practice on the law subordinated everybody, the king included, to the rule of law."[7]

The Tudors also learned to rule with the cooperation of Parliament. Henry VIII's Reformation Parliament helped institutionalize its pivotal constitutional role. Nevertheless, the Tudor monarchs never brooked opposition or treated it lightly. Anyone opposing the stated royal policy could still be accused of treason. Even as late as the Elizabethan period, in spite of the writ of *habeas corpus* ensuring relief to persons imprisoned by the inferior courts or by minor officials, the courts of law being appointed and dismissible by the queen, took care not to release any one imprisoned for good reason except at the express command of the sovereign. It is to be noted further in this connection that, since the break with Rome, prosecution in the church courts such as the Court of High Commission or in the royal courts such as the Court of Star Chamber or the Privy Council was conducted in an arbitrary fashion.

Tudor Law of Treason

The odyssey of the Tudors whose claim to the crown of England was based less on legitimacy than on what essentially was the Anglo-Saxon tradition of "ordeal" (victory in battle) and who brought about a veritable revolution in the government of the church as well as in the religious life of the people, occasioned a spate of legislations touching the subject of treason. As per John Bellamy's count, "between 1485 and 1603…there were no fewer than sixty-eight treason statutes enacted."[8] Treason or betrayal (*trahison*), that is, breaking allegiance to the king or the kingdom, was the "final denial of the divine order of things as established in the body politic…".[9]

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[7] Geoffrey R. Elton, "The Rule of Law in Renaissance England" in idem, *Studies in Tudor and Stuart Politics and Government*, 4 vols. (Cambridge: Cambridge University Press, 1974–81), I, 277.

[8] Bellamy, *Tudor Law of Treason*, 12.

[9] G.R. Elton, ed., *The Tudor Constitution: Documents and Commentary* (1960. Second ed. Cambridge: Cambridge University Press, 1982), 59.

The treason statute of Edward III (1327–77), 25 Edw.3. ch. 2 (1352), provided the basis for further legislations in this regard under successor regimes including those of the Tudors. Before 1352 the common law defined treason in a somewhat imprecise manner. The king and his judges decided treason according to the political implication of each case. But the Act of 1352 made a statutory distinction between felony or ordinary crime and treason or political crime. Thus though the Act sought to regulate the application of treason law, thereby limiting the monarch's authority, it actually resulted in strengthening his power by defining treason as a direct attack upon the monarch.[10] According to the 1352 treason act, intention to kill the king rather than the act of killing constituted the essence of this law, and the Tudors passed a series of statutes to extend its scope.[11]

D. Alan Orr points to two major developments ensuing from the Edwardian statute: parliamentary attainder and "common-law treasons." Attainder refers to an act passed by Parliament incriminating an accused with the crime, usually (but not exclusively) with high treason. In the fifteenth century, acts of attainder were used to allow crown access to the traitor's entailed estates as well as lands held in fee simple.[12] Acts of attainder enlarged the scope of treason laws by legislating new treasons. An act of Attainder was passed in 1531 on the "treasonous" felony committed by Robert Roose, accused of murder by poison, originally not considered treason under common law.[13] Analyzing the Roose case one scholar has claimed that "parliamentary attainder provided a swifter and more reliable alternative" to trial by jury.[14]

Common-law treasons were invoked in the sixteenth century by way of expanding the scope of Edward III's statute and thus providing a legal basis for extra-statutory treasons.[15] Common-law treasons also led to a spate of new treason laws that dramatically expanded the scope of what constituted treason. From the treasonable-words statute of 1534

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[10] Lisa Steffen, *Defining a British State: Treason and National Identity, 1608–1820* (Houndmills: Palgrave, 2001), 10–11.

[11] William Holdsworth, *A History of English Law*, 9 vols. (London: Methuen, 1925), IV, 496.

[12] D.A. Orr, *Treason and State: Law, Politics, and Ideology in the English Civil War* (Cambridge: Cambridge University Press, 2002), 13–14.

[13] Bellamy, *Tudor Law of Treason*, 24.

[14] See W.R. Stacy, "Richard Roose and the Use of Parliamentary Attainder in the Reign of Henry VIII," *Historical Journal*, XXIX (1986), 1–15.

[15] See Orr, *Treason and State*, 15.

(26 Henry VIII, c. 13) onward, treason laws became an instrument of state in policing disloyalty against the newly formed Henrician state church. In the latter part of Elizabeth's reign, Counter Reformation as exemplified by the Northern Rebellion of 1569, or the increased Jesuit and seminary priest activity after 1577, and the accompanied threat of Spanish invasion, resulted in a series of treason laws in the 1580s.

The treason legislation of Henry VIII (the notorious "Draco's laws," 75), was somewhat modified and moderated in Edward VI's reign (1547–53). The statute of 1 Edward VI. c. 12 did away with Henry's "very straight, sore, extreme and terrible" treason law (the Henrician treason act encompassed writing and printing anything that boded ill for the monarch) and harked back to the statute of 1352. According to Edward VI's statute, "It remained treason to challenge the royal supremacy over the church or the monarch's legitimacy; but if these challenges were only verbal, and not written or translated into overt action, they were only to be treasonable on the third offence."[16] The second treason act of Edward (5 & 6 Edward VI, c. 11) concerning royal succession and religious orthodoxy harked back to Henry VIII's act of 1534.[17]

The treason law of Mary (1553–58), 1 Mary. st. 1. c. 1, wiped out the statutory innovations of the treasonable-words statute of 26 Henry VIII and relied solely on the Edwardian law. This meant that mere words (or conversations) were no longer treason.[18] Indeed this Marian act sought to reflect the magnanimity of the queen who would have nothing to do with "the severity of . . . dangerous and painful laws." More important, this magnanimity was not merely founded on sentimentality but on pragmatic and political considerations. The preamble to this act declared that milder laws concerning verbal offense were obeyed better than harsher ones.[19] However, a change occurred in 1554 following Throckmorton's trial, reconciliation of England with Rome, and the marriage of Mary to Philip of Spain. The new treason act (1 & 2 Philip and Mary, c. 10) was passed by the third Parliament of the reign in November 1554 and they expanded the scope of treason

[16] Annabel Patterson, *The Trial of Nicholas Throckmorton* (Toronto: Centre for Reformation and Renaissance Studies, 1998), 18. The trial conversations are cited from Patterson with pagination in parenthesis in the text of my paper.

[17] For a full description of the treason acts of Henry VIII and Edward VI see Elton, *Tudor Constitution*, 62–69.

[18] Elton, ed., *Tudor Constitution*, 69–73.

[19] Bellamy, *Tudor Law of Treason*, 54.

considerably, including wishing or intending the king's death by words expressed in a conditional sense. Summing up his analysis of the Marian laws of treason, John Bellamy observed that "in the history of the scope of treason, the reign of Mary was a time not of great repression, although severe the law undoubtedly was, but one of ill-advised indictments, interpretations of existing laws, and legislation."[20]

In Elizabeth's reign (1558–1603) a total of ten treason acts were passed. Of them, four are noteworthy. A general treason act (1 Elizabeth, c. 5) of 1559 made treason "at the second offence to compass by words to deprive the queen and her heirs of their titles or to destroy them, depose them or levy war against them."[21] Another parliamentary act of 1571 made the crimes construed traitorous at second offence by the act of 1559 traitorous at first offence (13 Elizabeth, c. 1). Yet two more treason acts were passed by Parliament in its session of January-March 1581 and of February–March 1585 respectively and both dealt with recusancy and treason. A Band of Association was instituted in law in 1584 to deal with Mary Queen of Scots in the event of a challenge to Elizabeth's life.[22] As Rosalind Davies observes, "the most important development in the interpretation of the law of treason . . . concerned the legal imperative to establish intent, purpose or design summed up in the words 'compass or imagine'."[23]

Trial Procedure[24]

Trial methods, which are a regular feature of modern legal system, evolved slowly from their dim beginnings dating back to the Anglo-Saxon times, though it must be admitted that "of the actual conduct of the trial we know nothing before the sixteenth century."[25] The so-called

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[20] Ibid., 60–61.

[21] Ibid., 62.

[22] Rosalind Davies, "'The Great Day of Mart': Returning to Texts at the Trial of Sir Walter Ralegh in 1603," *Renaissance Forum*, IV, 1 (1999). (See www.hull.ac.uk/renforum/v4no1/d, paragraph 6). As Marcus has written, "during Mary Stuart's twenty years of captivity in England, the risk of regicide became particularly pressing because the pope had issued a bull of excommunication against Elizabeth that allegedly released English Catholics from allegiance to her." "Tudor Treason Trials," 679.

[23] Davies, "'Great Day of Mart'," paragraph 8.

[24] This section of my paper draws on Marcus, "Tudor Treason Trials," 680ff.

[25] S.F.C. Milsom, *Historical Foundations of the Common Law* (1969. Second ed. London: Butterworths, 1981), 412.

pagan barbarians from the Continent across the Channel had "a civilized awareness of the complex origins of men's deeds, and the humility to realize that only God, and not they, could search men's hearts, that they made trial a ritual nonrational combat through which God could give the answer."[26] Ritual battles or ordeals gradually accommodated less violent but still nonrational method of compurgation.[27]

The jury trial was a Norman innovation and the pride of place as a pioneer in this regard is claimed by King Henry II (1154–89). Originally, the jurors were selected as witnesses who had information of the fact. Slowly they were required to adjudicate rationally on the basis of facts presented in the court. They were recruited from the ranks of substantial men and the authorities had always to cope with problems of corruptions such as bribery, false verdicts, and embracery (illegal intimidation to influence the jury).[28] Nevertheless, Sir John Fortescue (*c.* 1394–1476) had little qualms proclaiming the unique merit of trial by jury when he claimed the jury trial of his country as "strange to all nations that do use the civil Law of the Roman Emperors." No other nation could produce the required number of responsible yeomen who were not entirely immersed in agricultural work and were "more apt and disposed to investigating causes which require searching examination than men who . . . have contracted a rusticity of mind from familiarity with the soil."[29]

Treason trials differed qualitatively from ordinary criminal trials. Individuals accused of treason were usually men of standing and substance. Many of them were educated prominent government officials, who posed themselves as formidable adversaries in the court room. Quite naturally, the Crown handling these trials came to rely on professionally trained lawyers to prosecute treason trials, though admittedly, professional prosecutors were hard to come by even in the sixteenth century. As will be seen later in this paper, Throckmorton became his own lawyer and deftly dealt with sergeant Stanford and the chief justice Bromley during interrogations.

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[26] Alan Harding, *The Law Courts of Medieval England* (London: Allen & Unwin, 1973), 25.

[27] An edict of 1215 forbade priests to participate in ordeals.

[28] For a succinct analysis of the jury trial see Sir Matthew Hale, *The History of the Common Law of England* (Savoy: E. & R. Nutt and R. Gosling, 1739), 249–61: "Touching Trials by Jury."

[29] *De Laudibus Legum Angliae* [*In Praise of the Laws of England*] (*c.* 1470) cited in Harding, *Law Courts of Medieval England*, 122–23.

Another special feature of, or rather problem with, treason trial in early modern period had to do with jury packing. Anxious to favor the prosecution, the Crown often went out its way to appoint well-bred men who had a stake in the government and society as juries, hoping that they would return guilty verdicts. Intelligent defendants such as Throckmorton were quite aware of this problem. Sir Nicholas thus wanted to be sure that the jury in his trial was not composed of "foul packing" (32). He also wanted to ensure that "no person have access or conference with the jury, neither that any of the queen's learned counsel be suffered to repair to them, or to talk with any of them, until they present themselves here in open court, to publish their verdict" (79). This request was granted by the bench and, remarkably enough, Throckmorton was vindicated by the juries who were selected by the Crown from among prominent Londoners on whose loyalty Queen Mary (whose famous Guildhall oration on February 1, 1554 had exhorted the citizens to resist the rebel Wyatt's advance) depended confidently.

Still another feature of the state trials (that is, treason trials) was that the accused could cross-examine prosecution witnesses or produce and question witnesses of his own, just like a defense counsel. Nevertheless, as Langbein writes, "defendants in political trials were complaining of the disparity that resulted when the prosecution was represented by counsel while the defense was denied it."[30] We need to note that treason trials were never meant to be an occasion for a debate on points of law or evidence. They were, to quote Langbein again, "show trials" *par excellence*, "closer in function to political pageants than to routine adjudication."[31] Throckmorton was right to label his trial "my bitter comedie,"[32] though he did argue on points of law and win his acquittal.

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[30] J.H. Langbein, "The Criminal Trial before the Lawyers," *The University of Chicago Law Review*, XLV, 2 (1978), 307 (see also 283). The accused acquired access to defense counsel by the Treason Act of 1696.

[31] Ibid., 266.

[32] *The Legend of Sir Thomas Throckmorton*, ed. John G. Nichols (London: Nichols & Sons, 1874), 29: st. 115.

Throckmorton: A Brief Biographical Sketch[33]

Nicholas Throckmorton was born in 1515 to an influential gentry family with a tradition of government service. His mother Catherine, hailing from the Vaux family of Harrowden, was related to the Parr family, that supplied the sixth and the last wife for Henry VIII (Catherine Parr, 1512–48). Nicholas's father George (1489–1552), an MP for Warwickshire, never compromised either his faith (Catholicism) or his intimacy with the mercurial Henry VIII even though he never approved of the king's annulling his marriage to Catherine of Aragon and contracting a new one with Anne Boleyn. Nicholas's entry into the service of King Henry's bastard duke of Richmond (Henry Fitzroy, 1519–36) was facilitated by his father's connection to the royal court. After Richmond's death in 1536 he entered the service of the Parrs. Henry's marriage to Catherine Parr in 1543 led to his entry into the king's court. His martial qualities—captainship of the army that captured Boulogne in 1544 and service under Protector Somerset (Edward Seymour, duke of Somerset, *c.* 1506–52) at the battle of Pinkie in 1547—provided further help to his curial career.

Throckmorton became a gentleman of Edward VI's privy chamber and even more. He actually became a personal favorite of the boy king about whom Sir Nicholas is said to have boasted in his putative lengthy doggerel:

> The King mee fancied daylie more and more.
> For as his yeares soe didd my favour growe:
> ……..
> I rock'd myselfe asleepe; devoide of care;
> For why? I was the King's familiar.[34]

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[33] See Stanford Lehmberg, "Nicholas Throckmorton," *Oxford Dictionary of National Biography*, 60 vols. (Oxford: Oxford University Press, 2004), LIV, 694–97; Sarah L. Starnes, "The Public Career of Sir Nicholas Throckmorton" (unpublished Master's thesis, Wake Forest University, 1994); S.M.T., "Nicholas Throckmorton" in Samuel T. Bindoff, ed., *The House of Commons, 1509–1558*, 3 vols. (London: History of Parliament Trust, 1982), III, 458–60; Rosalind Croucher [R.F. McGrath], "A Biography of Sir Nicholas Throckmorton 1515–1571," (unpublished B.A. Honors thesis, University of Sydney, 1976); Alfred L. Rowse, "Sir Nicholas Throckmorton" in two parts, *History Today*, XIV, 1 & 2 (1962), 3–12, 125–31; Sebastian Walsh, "Most Trusty and Beloved," *History Today*, vol. 55, no. 9 (September 2005), 39–45.

[34] *Legend of Throckmorton*, 26: st. 100, 101.

Throckmorton's halcyon days were over with King Edward's untimely demise. He supported the duke of Northumberland's (John Dudley, earl of Warwick, 1504–53) conspiracy to alter King Henry's will nominating Mary's succession after Edward with a view to proclaiming Jane Grey (1537–53) as the queen of England. He switched over to Mary's side at the last moment and even secretly alerted her of the death of her brother on July 7, 1553 and the duke's scheme. His motive appears to be an amalgam of political strategy and respect for legitimacy. As he is reported to have admitted:

> And tho' I lik'd nott the religion
> Which all her life Queene Marye hadd profest;
> Yet in my minde that wicked motion
> Right heires for to displace I didd detest.[35]

Throckmorton was also wise enough to defect form Northumberland's rebellion because he experienced the power of public enthusiasm for Mary. He nearly lost his life at Northampton where, trying to resist Sir John Tresham's (1488–1559) proclamation on the princess's behalf, he "was drivene for safetye of his lyfe to take a howse, and so beinge borne amongste divers gentlemen escaped with much adoe; the inhabitants would have killed him veri fayne."[36] Throckmorton encountered the gravest crisis of his career in 1554 following the rebellion of Sir Thomas Wyatt, Jr. (*c.* 1521–54) resulting in his trial that forms the subject matter of the present essay. In 1555 his family name was suspiciously connected to an accomplice (a cousin named John Throckmorton) of Henry Sutton Dudley (1517–68), conspirators against Queen Mary. He was also involved in the rebellion of the Northern earls (1569) and thus implicated in Mary Queen of Scots's conspiracy against Elizabeth. He, however, cleared himself from these entanglements.[37]

In spite of his connections with conspiracy and sedition, alleged or actual, Throckmorton was often dauntless and tactless in speaking his mind. When he advised Elizabeth against picking 13 of the Marian

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[35] Ibid., 29: st. 112.

[36] *The Chronicle of Queen Jane and of Two Years of Queen Mary, and Especially of the Rebellion of Sir Thomas Wyat*, ed. John G. Nichols (London: Camden Society, 1850), 12.

[37] See "Thexamination [*sic*] of Sir Nicholas Throckmorton taken the 10th of Octobre 1569, before the Lord Keper, Sir Raif Sadler, and Sir Walter Mildmay" in Samuel Haynes, ed., *A Collection of State Papers relating to Affairs in the Reigns of King Henry VIII, King Edward VI, Queen Mary and Queen Elizabeth, from the Year 1542 to 1570 transcribed from Original Letters and other Authentick Memorials never before published, left by William Cecil Lord Burghley* (London: William Bowyer, 1740), 341–43.

appointees for her new council in 1558, the newly crowned young queen, "enraged at the freedom with which he spoke," exclaimed that she would have his head. To this the nonchalant offender retorted: "You will do well to consider first, Madam, how long you will then be able to keep your own on your shoulders."[38] Happily for Sir Nicholas, the outcome of his insightful impudence was that he was rewarded with the portfolio of the English ambassador to France.[39] Throckmorton proved his mettle as a diplomat and his service was of immense help in formulating the English foreign policy.[40] In fact he proved to be a consummate spy in France in that he was a superb intelligence gatherer of France's political, diplomatic, and military secrets.

Yet he never became a councilor, even though tragically enough, Sir William Cecil (1520–98) exerted himself to nominate him and Sir Thomas Smith (1513–77) to the privy council.[41] He was also being considered for the post of vice chamberlain of the royal household, though to no effect.[42] As he lamented:

> Nowe to myselfe; of whom thou wondrest soe,
> That I, whoe was a Courtier all my dayes,
> And whome the Queene had knowen soe longe agoe,
> And whome shee readie found att all assayes,
> Was never yet advanc'd in dignitie;
> Nor much enriched by prosperitie.[43]

His personal life proved to be somewhat as disappointing as his public career. A fourth son, Throckmorton never inherited his father's grand

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[38] *Criminal Trials*, ed. David Jardine, 2 vols. (London: Charles Knight, 1832–35), I, 58.

[39] *Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth 1547–1580*, ed., Robert Lemon (London: Longman *et al.*, 1856), 128.

[40] See Cary Carson, "The Embassies of Sir Nicholas Throckmorton, 1559–94: Towards a New Politics of Divided Europe," unpublished Ph.D. dissertation (Harvard University, 1973/4); Croucher [McGrath], "Biography of Throckmorton," 53–108; Kenneth M. Kisner, "Sir Nicholas Throckmorton: A Diplomatic Advisor to Queen Elizabeth," unpublished M.A. thesis (Utah State University, 2003). Throckmorton's letters from France are printed *in extenso* in Patrick Forbes, ed., *A Full View of the Public Transactions in the Reign of Queen Elizabeth*, 2 vols. (London: J. Bettenham & C. Hawkins, 1740–41), II.

[41] Letter from secretary Cecil to Sir Thomas Smith, June 3, 1565: "Great meanes is made for Sir Nicholas Throkmorton to be one of the privie counsel, and so I wish you both." *Queen Elizabeth and Her Times: A Series of Original Letters*, ed. Thomas Wright, 2 vols. (London: Henry Colburn, Publishers, 1838), I, 199.

[42] Letter from Sir Henry Ratcliffe (fourth earl of Sussex, 1533–93) to the earl of Essex (Robert Devereux, 1565–1601), January 8, 1569. Ibid., 355.

[43] *Legend of Throckmorton*, 46: st., 181.

property, Coughton Court, Warwickshire, which went to his eldest brother Robert, and though he possessed vast lands at Paulerspurry, Northamptonshire, he never did build a country house there; instead he and his wife Anne (neé Carew) used the latter's family home at Beddington, Surrey.

Throckmorton died on February 10, 1571 at the house of Robert Dudley, earl of Leicester (1532?–88) under dubious circumstances. According to a curious account (most probably a canard), Throckmorton, never overtly antagonistic to the two great rival courtiers of Elizabeth, came somewhat closer to Cecil's camp toward the end of his life. For example, as early as 1561, in Paris, Throckmorton had been a mentor to the secretary's profligate son Thomas Cecil (1542–1623), whom he treated like his own son. A few years later, Throckmorton appeared to curry favor of Leicester and was the recipient of a governorship of the possessions and revenues of the Preachers of the Gospel in Warwick in 1567, courtesy of the earl. The astute secretary had noted as early as 1565 that "my Lord of Leicester…doth use Throgmorton frendly because he doth shew himself carefull and devote to this Lordship."[44]

However, in the fall of next year, he wrote Cecil thanking the secretary for his "attention during his [Throckmorton's] illness."[45] Throckmorton's discharge from the Norfolk-Mary [Queen of Scot] plot owed also to the intercession of the powerful courtiers close to Elizabeth. In his letter to Cecil, dated February 25, 1570, Throckmorton begged the secretary "to use his credit with the Queen for his enlargement, for which the Lord Keeper and the Chancellors of the Duchy and of the Exchequer will also become suitors to the Queen."[46] He was discharged the next day. For his intimacy with Cecil Sir Nicholas might have given Cecil's arch-rival Leicester some cause for heartburn. He was rumored to have been poisoned by the jealous earl at a dinner party at his place where Throckmorton was a guest. The latter had come to know about

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[44] Letter from Cecil to Sir Thomas Smith, October 16, 1565. *Elizabeth and Her Times*, I, 209.

[45] Calendar *of State Papers. Domestic 1547–80*, 185, 304, 315.

[46] *Calendar of the Manuscripts of the Most Honourable the Marquess of Salisbury preserved at Hatfiled House, Hertfordshire*, 23 pts. Part 23 with addenda, 1562–1605 (London: Her Majesty's Stationery Office, 1883–1973), 1: #1475 cited in Croucher [McGrath], 131.

it before breathing his last.[47] On his deathbed he instructed one of his gentlemen-in-waiting to tell his daughter Elizabeth Ralegh to visit Leicester's grave regularly (presumably Betty Ralegh would outlive the aging earl) and ritually urinate on the monument.

Throckmorton appears to be well educated, lack of supporting documentary evidence notwithstanding, with some command of Latin and French, evidenced in his reported trial and his extant diplomatic correspondence.[48] However, on his own admission, Throckmorton had no legal training. As he confessed: "I never studied the law, whereof I do much repent me (67)." He was an unabashed champion of the reformed faith (a conspicuous exception in his pronouncedly catholic family) to which he became attracted since the mid-1540s.[49] The Elizabethan historian William Camden (1551–1623), with a shrewd understanding of Throckmorton's volatile disposition, portrayed him as "a man of large experience, piercing judgment, and singular prudence" albeit possessing a "turbulent spirit." Nevertheless, the fittest and the greatest accolade for the man came from his successor in foreign office, Sir Francis Walsingham (1530?–90), who wrote in remembrance of his formidable forbear: "…be it spoken without offence to any, for counsel in peace, and for conduct in war, he hath not left of like sufficiency his successor that I know."[50]

Throckmorton's Trial

Nicholas Throckmorton's standing in Queen Mary's service was never the same as that in the previous regime. The diehard protestant and the "King's familiar" experienced an anomalous situation in the regime of a devoutly catholic queen who never trusted him even though she was probably aware of his loyalty during Northumberland's conspiracy

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[47] See Francis Peck, *New Memoirs of the Life and Poetical Works of Mr. John Milton* (London: n.p., 1740), 59 cited in Patterson, *Trial of Throckmorton*, 16. Secretary Cecil, however, thought that Throckmorton died of "pleurisy, joined with a disease called periplen." See Cecil's letter to Francis Walsingham (February 12, 1571), cited in Croucher [McGrath], "Biography of Throckmorton," 132.

[48] *Cf.* Kisner, "Nicholas Throckmorton," 63.

[49] *Criminal Trials*, I, 41–42 ("Memoir of Sir Nicholas Throckmorton").

[50] Walsingham's letter to Leicester, March 15, 1570. Sir Dudley Diggs, *The Compleat Ambassador or Two Treatises of the Intended Marriage of Queen Elizabeth of Glorius Memory* (London: Thomas Newcomb, 1655), 48.

that helped save her life and inheritance—a debt she never acknowledged openly. Although Mary Tudor ascended the throne of England amidst great approbation of her subjects who prized legitimacy above everything else in succession, her goodwill began to atrophy following the first parliamentary acts of her reign (October 1553): repeal of the ecclesiastical legislation of Edward VI, restoration of service in use at Henry VIII's death, sanction against abuse of catholic rite, and confirmation of the traditional doctrine of the Lord's Supper. In fact, Nicholas, as a member of the House of Commons (where he and his brother John sat for Old Sarum on the nomination of their kinsman William Herbert), opposed these religious changes restoring Catholicism in the country. His name appeared on a list of the MPs standing for "the true religion" during the October session.

Throckmorton is also reported to have supported the councilor Sir Richard Southwell's speech against the queen's proposed marriage to Philip II of Spain.[51] Quite expectedly he came under the government's suspicion and on 1 January 1554 (following the arrival of the imperial envoys in London on December 27, 1553 to conclude the negotiations for the queen's marriage to King Philip of Spain) he was bound over in £2000 to be of good behavior. However, on February 20, 1554, following the suppression of the Wyatt Rebellion, Throckmorton was incarcerated in the Tower of London on charges of treasonously abetting and aiding Wyatt's attempt to prevent the royal marriage.[52] The London tailor Henry Machyn (1496/98–1563) recorded in his diary that

> the xij day of Aprell was had to Yeld-hall [Guildhall] ser Necolaus Frogmortun, ser James a Croft, master Wynter, master Vaghan [Vaughan]; and ther Waghan [Vaughan], gaff evedens against ser Necolaus Frogmortun of tresun.…[53]

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[51] S.M.T., "Throckmorton," 458.

[52] Lehmberg, "Throckmorton." For a succinct account of the Wyatt rebellion see Narasingha P. Sil, *Tudor Placemen and Statesmen: Select Case Histories* (Madison: Fairleigh Dickinson University Press/Cranbury and London: Associated University Presses, 2001), 138–45 and Robert Tittler, *The Reign of Mary I* (1983. Second ed. Harlow: Longman Group Limited, 1991), ch. IV.

[53] *The Diary of Henry Machyn, Citizen and Merchant Taylor of London from A.D. 1550 to A.D. 1563*, ed., John G. Nichols (London: Camden Society, 1848), 60.

The commission of oyer and terminer[54] appointed to conduct the trial included the following personages:

Sir Thomas White (1492–1567), lord mayor of London
Francis Talbot, fifth earl of Shrewsbury (1500–60)
Edward Stanley, earl of Derby (1508–72)
Sir Thomas Bromley (1499–1555), lord chief justice of England
Sir Nicholas Hare (1484–1557), master of the rolls
Sir Francis Englefield (1520–96), master of the Court of Wards & Liberties
Sir Richard Southwell (1502/3–64), privy councilor
Sir Edward Waldegrave (1517–61), privy councilor
Sir Roger Cholmley (*c.* 1485–1565)
Sir William Portman (1498–1557), justice of the King's Bench
Sir Edward Sanders, justice of the Common Pleas
Master William Stanford (1509–58), sergeant at law
Master James Dyer (1510–82), sergeant at law
Master Edward Griffin (d. 1569), attorney general
Master Sendall, clerk of the Crown
Peter Tichbourne, clerk of the Crown

Of all the members of this special commission, two deserve particular mention: Sir Thomas White and Sir Roger Cholmley. While Sir Thomas was a liberal-minded individual, Cholmley, in David Jardine's terms, "appears to have taken the most obnoxious part against Throckmorton."[55] Obviously, Cholmley was out to get the prisoner and thus prove himself worthy of merit to the Crown. Cholmley, like Throckmorton, had been a supporter of Jane Grey's succession and had suffered fine and brief imprisonment. Queen Mary never renewed his appointment as a chief justice after one year.[56] Throckmorton shrewdly admonished Cholmley's suspicious consultation with Master Griffin about the juries (32) and the former's accusation that Throckmorton was a co-conspirator with Wyatt ("people of their condition," 63). Cholmley even declined Throckmorton's request to read the laws in court claiming that the judges were competent to explain the law. (60) It should, however, be noted that Throckmorton's treatment by his accusers was markedly civil and respectful as compared to that meted out to his son-in-law Sir Walter Ralegh (1554–1618) a generation later.[57]

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[54] Usually treasons were tried at the King's Bench or at the Assizes. The latter conducted trial by a special commmssion of oyer and terminer.

[55] *Criminal Trials*, I, 65.

[56] See John H. Baker, "Sir Roger Cholmley," *ODNB*, XI, 505–6.

[57] See Marcus, "Tudor Treason Trials," 675–76.

The trial commenced after Sir Thomas Brydges (1496–1559), lieutenant of the Tower, brought Throckmorton to the bar and read the indictment against him demanding the prisoner's response guilty or not guilty and the latter declared "not guilty to the whole, and to every part thereof" (30).[58] To the question how he wished to be tried "By God and by the country" he replied that he desired "to be tried by faithful just men, which more fear God than the world" (ibid.). According to the indictment, Throckmorton with a number of gentlemen had conspired to deprive the queen of her crown and dignity, destroy her, and to occupy the Tower of London and levy war against her. Responding to this indictment the accused famously rose to the occasion making some trenchant criticism of court procedure and of the indictment itself. "I ought not to be attainted of the treason comprised within my indictment," he remonstrated, "considering the statute of repeal the last parliament [1 Mary st. 1, c. 1], of all treasons other than such as be decided in the five and twentieth year of King Edward the third…" (58–59). He was right on point of law because, though the charge "to destroy the king [queen]" was treason by the act of 1352, "compassing to levy war" was not. Throckmorton's indictment had been drawn in haste by the crown's lawyers who possibly acted on the basis of the duke of Northumberland's treason trial prior to the passing of the first Marian treason act. In fact, according to Holinshed, "repealing of certaine statutes in the last parlement, was the chiefe matter he [Throckmorton] had to alledge for his aduantage: whereas the repealing of the same statutes was meant notwithstanding for an other purpose…."[59]

After the jury[60] was sworn, sergeant Stanford made a direct accusation against Throckmorton that he "was a principal deviser, procurer, and contriver of the late rebellion [Wyatt's Rebellion]," demanding straight affirmation or denial of the charge, but the prisoner denied it and demanded Stanford to prove it (33–34). When the latter read the confessions of William Winter, Cuthbert Vaughan, and Throckmorton's own, the accused pointed out the sheer bias in Winter's testimony. Hav-

[58] Patterson's text of the trial is based, albeit in modern orthography, on Raphael Holinshed, *Chronicles of England, Scotland and Ireland*, 6 vols. (London: J. Johnson *et al.*, 1807–9), IV, 31–56.

[59] Ibid., 55.

[60] The twelve jurors may be identified (mostly by their surnames except two) as: Banks, Barscarfeld, Bestwick, Calthrop, Cater (or Katerwane), Kightley, Low, Emmanuel Lucar, merchant tailor, Martin, Painter, Thomas Whetston, haberdasher (foreman) and Young.

ing been well informed of the fate of Wyatt's rebel cohorts, Throckmorton also dismissed Vaughan's testimony by pointing out that "he is a condemned man, whose testimony is nothing worth by any law" and citing St. Jerome's characterization of "false witnesses" from Matthew 26:59–61 in the New Testament (45). As to his own deposition read by the master sergeant, Throckmorton shrewdly pointed out that it was presented deliberately by selecting "the place…that maketh most" against the accused and urged Stanford to "read further, that…my words be not perverted and abused to the hurt of some others" (52–53).

An important statement that Throckmorton made in his defense contained a curious amalgam of sincerity, dexterity, and ingenuity:

> I confess I did mislike the queen's marriage with Spain, and also the coming of the Spaniards hither, and then methought I had reason to do so; for I did learn the reasons of my misliking of you, Master Hare, Master Southwell, and others in the parliament house. There I did see the whole consent of the realm against it; and I, a *hearer*, but no *speaker*, did learn my misliking of those matters confirmed by many sundry reasons amongst you. But as concerning any stir or uproar against the Spaniards, I never made any, neither procure any to be made (37–38; emphasis added).

Throckmorton's most effective argument was grounded in a point of law—unexpectedly by someone without legal training.[61] He claimed that his case lacked merit under the treason act of Edward III since no "*overt act*" or "open deed" of taking the Tower of London or compassing the queen's death or adhering to her enemies had been alleged.[62] (62) His legal expertise sorely troubled his accusers, especially the attorney-general who, on one occasion, tried to admonish Throckmorton: "Will you take upon you to skill better of the law than the judges?" (63) Throckmorton also raised an objection to James Croft's (d. 1590) evidence being presented by the court as hearsay evidence. As he pointed out, "Master Crofts is yet living and is here this day.

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[61] On his own admission, Sir Nicholas is reported to have received some legal help from a well-wisher who "putt himselfe in danger". Some scholars believe that this unnamed helper was Throckmorton's younger brother John, a trained lawyer who later became justice of Chester. See *Legend of Throckmorton*, 33: st. 129 and Patterson, *Trial of Throckmorton*, 86 note 7.

[62] Indeed, a generation later, the Jacobean legal expert and parliamentarian Sir Edward Coke (1552–1634) was to write that "a conspiracy is had to levy war; this…is no treason by this Act until it is levied.…And it is commonly said, that bare words may make an Heretick, but not a Traytor, without an overt act." *The Third Part of the Institutes of the Laws of England: Concerning High Treason and Other Pleas of the Crown and Criminal Causes*, ed., W. Clarke (4th ed. London: A. Crooke *et al.*, 1669), 14.

How happeneth it he is not brought face to face to justify this matter, neither hath been all this time?" (39)

The accused masterfully rebutted the charge of "procurement" of treason by first pointing out that the statutes against the procurer in Henry VIII's reign had since been replaced, and second, by arguing that procurement for felony or murder was triable under common law and procurement in treason under statute law (the statute law at Throckmorton's trial stood on Edward III's law). When the judges Portman and Sanders argued that "the law hath always taken the procurer to be a principal offender" and that "a man offending in treason, either by covert act or procurement, whereupon an open deed hath ensued, as in this case [Wyatt's rebellion], is adjudged by the law a principal traitor," Throckmorton responded with determined tenacity: "You adjudge (me think) procurement very hardly,... And notwithstanding this grievous racking and extending of this word 'procurement,' I am not in the danger of it, for it doth appear by no deposition that I procured neither one or other to attempt any act" (72).

Upon Hare's pronouncement that "procurement by words" constituted treason and that Throckmorton had confessed to have verbally objected to the queen's marriage to the prince of Spain, the accused responded with alacrity that "to talk of the queen's marriage... is not to procure treason to be done; for then the whole parliament house... did procure treason." He further clarified the distinction between "words" and "acts" in terms of "procurement" by citing the statute of Edward VI stipulating imprisonment, forfeiture of goods and chattels for the first offense, loss of all personal profits and perquisites at the second offense, and life imprisonment and forfeiture of personal property at the third instance. "But whosoever, &c: by writing, ciphering, or act, &c: shall for the first offence be adjudged a traitor, and suffer the pains of death" (73). Throckmorton's superior knowledge of the law together with his witty and eloquent rebuttal of the charges worked for him and he was declared "not guilty" unanimously by the juries (79–80). Though unfortunately for the juries, they were arrested for having "strangely acquitted the prisoner of his treasons whereof he was indicted" (82), albeit to be released later on pain of fines, generally "in ordinary cases the judges... did not attempt to punish the juries who acquitted."[63] Even the avowedly adversarial master sergeant Stanford

[63] Holdsworth, *History of English Law*, IX (1926), 225.

had to admit to the accused haplessly and helplessly: "If I thought you had been so well furnished in book cases, I would have been better provided for you" (68).

"That weasel-face Throckmorton"[64]

Though Throckmorton wriggled out of the fatal accusations with flying colors, it is problematic to conclude that he did so because he was innocent of the crime as charged. On the other hand, the royal justices did produce some legitimate and regular evidence of his culpability. After he had denied the facts contained in Vaughan's examination, the latter was produced in the court, sworn formally, examined and cross-examined by the queen's counsels as well as by the prisoner. Vaughan's deposition, repeated before the jury upon his oath, merited consideration upon legal and rational principle of evidence, though, admittedly, subject to the opinion of the court of his credibility, which was partly acknowledged by Throckmorton. Throckmorton, however, contended that Vaughan was the only witness produced and this single testimony, even if believed by the jury, was not sufficient in law to warrant a verdict of guilty, as per the statutes of the 1 Edward VI. c. 12 and the 5 and 6 Edward VI. c. 11, which call for "two sufficient and lawful witnesses." The Edwardian statutes were later replaced by the statute of 1 and 2 Philip and Mary. c. 10, but at the time of his trial Throckmorton was unquestionably entitled to claim the benefits of the former. Yet, as Jardine argues, "it is extremely doubtful, upon the facts of the Trial, whether Throckmorton was entitled to avail himself of this objection."[65]

Throckmorton's response to Hare's query (49) amounted to a confession which brought his case within the exception contained in the Edwardian statutes. Moreover, when sergeant Stanford offered to bring in another witness, namely, Winter (which shows Stanford's apparent compliance with the Edwardian statutes), the prisoner, while conceding to the veracity of Winter's testimony, nevertheless denied its sufficiency to constitute treason on his part (35–39). We must not also dismiss Vaughan's testimony altogether as it shows unmistakably that

[64] *Legend of Throckmorton*, 45: st. 176.
[65] *Criminal Trials*, I, 115.

Throckmorton was in communication with Wyatt and his cohorts and that he had accompanied the earl of Devonshire (Edward Courtenay, *c.* 1526–56) to the west, was privy to and actually invited Wyatt's advance. It should be noted further that several men associated with the Wyatt conspiracy and rebellion—Peter Carew (1514–75), Winter, Vaughan, James Croft, including Wyatt himself—had been Throckmorton's friends and all of them, except Wyatt, would be employed in Elizabeth's government.

Although Throckmorton seems to have a penchant for political adventurism and getting into trouble, his forensic skill and masterful use of rhetoric mark him out clearly as a typical Renaissance statesman trained in the finest humanistic learning (even though we have little evidence of his schooling). His classic defense argument against the attorney general's comparison with Sir William Stanley's (*c.* 1436–95) plea during his treason trial sometime in 1494–95 in respect of Perkin Warbeck's (1479–99) rebellion exasperated Griffin to implore the bench:

> I pray you, my lords that be the queen's commissioners, suffer not the prisoner to use the queen's learned counsel thus. I was never interrupted thus in my life, nor I never knew any thus suffered to talk as this prisoner is suffered. Some of us will come no more at the bar and we be thus handled. (70)

Annabel Patterson points to Throckmorton's use of religious imperative and rhetoric. When ordered by chief justice Bromley that he "must first plead . . . guilty or no," he calmly responded:

> My lords, I pray you make not too much haste with me, neither think not long for your dinner, for my case requireth leisure, and you have well dined when you have done justice truly. Christ said, "Blessed are they that hunger and thirst for righteousness. (29)

This citation from Matthew 5:6, the first of a number of choicest biblical allusions later in the trial, "was not only to claim the moral high ground, but also a strategy likely to appeal to a jury of London merchants, so many of whom . . . were the resilient and resourceful core of Protestantism at this time."[66] Throckmorton's effective use of other

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[66] *Trial of Throckmorton*, 12. See also Maria Dowling and Joy Shakespeare, "Religion and Politics in mid Tudor England through the eyes of an English Protestant Woman: the Recollections of Rose Hickman," *Bulletin of the Institute of Historical Research*, LV (1982) excerpted in ibid., 90–93 for reference to the jury that awarded a verdict of not guilty to Throckmorton.

biblical passages includes, *inter alia*, Mark's account of the unjust trial of Christ by the Pharisees describing the illegal nocturnal interrogation of Christ, use of false witnesses, Pontius Pilate's washing of his hands, or Paul's letter to the Ephesians highlighting persecution of a faith *vis-à-vis* religious solidarity as well as faith's ultimate triumph. His parting speech to the jury before retiring to consider the final verdict invoked Paul's farewell to the Ephesians to undergird his admonition "Every of you may wash his hands of innocents' blood shed, when you shall take leave of this wretched world."[67] (78) The verdict of the jury was unanimous in favor of the prisoner. Long ago, the Victorian historian James Froude had shrewdly remarked on the jury verdict in the Throckmorton trial that "their consciences probably found less difficulty in the facts charged against Throgmorton than in the guilt attached to them. The verdict was intended as a rebuke to the cruelty with which the rebellion had been punished, and it was received as an insult to the Crown."[68]

Bromley urged the jurors to remember their responsibilities. Their foreman answered that they had found the verdict according to their conscience. As a contemporary chronicler noted:

> Sir Nicholas Throgmorton, who tarrying from vijth of the clock untyll almost v. at night, was by verdyt quitt, wherat mayney people rejoiced. Sir Nicholas Throgmorton's talke at the barre was this: he pleaded not gilty, and that he was concenting to nothing.[69]

Throckmorton's acquittal, though not welcomed by the queen—in fact she was grievously indisposed for three days[70]—was yet recognized, willy-nilly, by her because she had to honor the outcome of the jury trial, even when she was far from happy with it. As the imperial ambassador Simon Renard reported on April 22, 1554:

> About six days ago a rebel named Throckmorton was brought to the trial and acquitted by a packed jury of twelve, heretics to a man, notwithstanding the fact that he ought to have been condemned. When

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[67] Paul's actual admonition to the Ephesians (not quoted by Throckmorton) reads: "For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places" (Ephesians 6:10–20). Patterson, *Trial of Throckmorton*, 78 note 65.

[68] James A. Froude, *History of England from the Fall of Wolsey to the Defeat of the Spanish Armada*, 12 vols. (London: Longman, Green, & Co., 1875), V, 391.

[69] *Chronicle of Jane and Mary*, 75.

[70] Ibid.

> he was brought back to the Tower after sentence had been passed, the people showed their joy by shouting and throwing their caps in the air, which to[o] much angered the Queen that she was ill for three days and is not yet herself. Attempts are being made to punish the judges; but the Queen had no authority, none had [in] her council, on account of the split [i.e. factionalism].[71]

However, Throckmorton was not set free from his confinement at the Tower to which he was sent back following his acquittal on the order of chief justice Bromley that "there are other matters to charge him withall" (81). He was released nearly a year later. As Machyn recorded, on January 18, 1555,

> whent to the Towre my lord chansseler, and dyvers odur lordes and of the Conselle, and delivered a number of prisoners, as ther names folowes—ser James a Croft, ser George Harper, ser Gawynn Carow, ser Necolas Frogmortun, master Vaghan, ser Edward Vermer, Gybbs, the bysshope of Yorke, master Rogers, and dyvers odur prisoners, and after ther was gret shottyng of gones [shooting of guns].[72]

It is to be noted that Throckmorton obtained his release only after having pledged his loyalty with a £2000 bond. He retired from public service (he also suffered a loss of much of his property through confiscation) to his home in Northamptonshire. Then, in June of that year, he found himself in an alarmingly awkward situation as his cousin by the name of John Throckmorton (of Tortworth Gorseland, Glaucestershire, son of Thomas Throckmorton of Coughton) had been accused of another conspiracy against the crown—the so-called Dudley conspiracy.[73] Though totally unconnected with Dudley's escapades, the hapless Nicholas broke his bond in sheer panic and fled to France on June 20 ("I…exil'd myselfe through feare").[74] From there, through the English ambassador in Paris, Dr. Nicholas Wotton (1497?–1567), he petitioned the queen for pardon and apologized for leaving the country without permission. A year later, through the intercession of

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[71] *Calendar of Letters, Despatches, and Papers Rrelating to the Negotiations between England and Spain*, eds. G.A. Bergenroth *et al.*, 13 vols in 19 pts. (London: Longman, Green, & Roberts, 1862–1954), XII, 221.

[72] *Diary of Machyn*, 80; *The Acts and Monuments of John Foxe*, ed. Stephen Cattley, 8 vols. (London: R.B. Seeley & W. Burnside, 1837–41), VI, 587.

[73] For Henry Dudley's conspiracy against the Marian government see David M. Loades, *Two Tudor Conspiracies* (Cambridge: Cambridge University Press, 1965).

[74] *Legend of Throckmorton*, 32: st. 126.

his brother John, the queen pardoned him and restored him to his confiscated property.

Conclusion

At a superficial level, Nicholas Throckmorton's trial demonstrates a paradox of the simultaneous operation of the sovereign's executive authority and the rule of law. From another perspective, however, the paradox actually reveals an amalgam in which the authority of the sovereign operates within the ambit of the sovereign authority of the law, on one hand, and in the political and social realms, within the ambit of compassion and prudence, on the other. Though implicated in Wyatt's treasonous conspiracy, Throckmorton defended himself successfully on points of law. The verdict of the London jury, arguably sympathetic to the prisoner's religious orientation, yet recognized the merits of the latter's arguments and supported his plea for innocence. Holinshed remarked with unmistakable certainty: "Sir Nicholas was indebted for his release to his own high spirit, good tact, and eloquence, for he was his own advocate; and to the Christian courage of the worthy citizens, who composed his jury."[75] The queen could not overturn the verdict of the jury though her counsels kept the acquitted accused in confinement for some time even after his acquittal. John Baker has reminded us that "a verdict of not guilty was final and could not be questioned by the Crown."[76] Professor Elton shrewdly observes that though the Crown often held a position of vantage in treason trials, "the trial jury played a genuine and vital part in the business."[77] Moreover, as Elton has remarked elsewhere, in spite of some notorious celebrity trials "in which indeed the fate of the accused was nearly always certain from the start," treason charges were carefully investigated and acquittals were not uncommon, and therefore "it is a mistake to judge these matters solely by the famous cases—Sir Thomas More or Mary Queen of Scots."[78] De Lloyd Guth concludes with convincing clarity: despite the

[75] Cited in Croucher [McGrath], "Biography of Throckmorton," 38.

[76] J.H. Baker, "Criminal Courts and Procedure at Common Law 1550–1800" in J.S. Cockburn, ed., *Crime in England 1550–1800* (London: Methuen & Co. Ltd., 1977), 48.

[77] G.R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge: Cambridge University Press, 1972), 294.

[78] Elton, ed., *Tudor Constitution*, 82.

scholarly attention given to debates over Tudor despotism, "none can contest the vigorous existence of the rule of law."[79]

Here we recall that the queen showed her mercy to Throckmorton when he had actually violated the law by breaking his bond and fleeing the country. Mary appears to have acted on her prerogative following an established tradition. It has recently been argued that power of pardon or mercy "remained an unquestioned component of the royal prerogative throughout the sixteenth century."[80] This prerogative elevated the crown above the feudal nobility as well as Parliament and thus helped centralize the government and foster a nation state. Moreover, the queen must have been acutely aware of the loyalty of the Throckmortons to legitimate authority of the crown. Certainly Sir Nicholas's adherence to a "heretical" faith was troublesome to the religious sensibility of the queen. Yet his experience in public office and his support for Mary's legitimate authority, together with the intercession of her favorite lawyer John (not to be confused with the conspirator John Throckmorton), Sir Nicholas's younger brother, and above all, that of her husband King Philip[81] must have contributed to her politics of pardon.[82]

Even compared to modern trial procedures where evidentiary decisions are predicated on common sense and common law, Tudor England had indeed made substantial progress in treason trials, evolving from the medieval reliance on God to placing increasing trust in human decisions based on evidence, eloquence, wit, and rational argument while still retaining an appeal to God and mercy. One can understand why and how Throckmorton was able to raise objection to the validity of hearsay evidence presented by the court as proof and was allowed "both to interrupt the judge's summing up, and to make a speech to the jury

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[79] "Law" in Robert Tittler and Norman Jones, eds., *A Companion to Tudor Britain* (Oxford: Blackwell Publishing, 2004), 94.

[80] Kesserling, *Mercy and Authority in Tudor State*, 3.

[81] David Loades writes that "the role of Philip and his courtiers in this clemency is confirmed by the fact that Ambrose and Robert [Dudley brothers who shared the Tower along with Throckmorton] immediately became involved in one of the King's Anglo-Spanish tournaments, by the comments of Venetian observers, and by the pensions shortly after awarded to Crofts and Cuthbert Vaughn." "Philip II and the Government of England" in Claire Cross, David Loades & J.J. Scarisbrick, eds., *Law and Government under the Tudors: Essays Presented to Sir Geoffrey Elton Regius Professor of Modern History in the University of Cambridge on the occasion of His Retirement* (Cambridge: Cambridge University Press, 1988), 181.

[82] He received the pardon on May 1, 1556. Croucher [McGrath], "Biography of Throckmorton," 41.

after the summing up was concluded."[83] Sir Nicholas Throckmorton's case illustrates an interesting interplay of the politics of monarchical power of punishment and pardon as well as the rule of law—a unique feature of Tudor policy and polity.

[83] Holdsworth, *History of English Law*, IX, 227. See also Patterson, *Trial of Throckmorton*, 77–78.

BURGHER LENDERS AND PUBLIC CREDIT: THE ROLE OF TOWN GOVERNMENTS IN HOLLAND'S STATE DEBT, 1572–1588*

James D. Tracy

In languages other than Dutch, Holland is the name for a country whose history begins with a great rebellion against the kings of Spain, in which seven provinces of the one-time Habsburg Netherlands, lying mainly to the north of the Waal-Maas line,[1] broke away to form the United Provinces, or Dutch Republic (1568–1648).[2] In Dutch, Holland is the name of a single province that bore the fiscal brunt of this long war. Holland's tax-payers accounted for roughly 60% of the revenues of the Republic, and its burgher-lenders were even more vital to the war effort. By 1648, a debt of some 8,000,000 florins or Dutch guilders stood to the charge of the States General, made up of delegates from the States of all seven provinces. The debt carried by the States of Holland[3]—representing only the one province—was between 127,000,000 and

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* This essay, with the accompanying Table, is loosely based on a Dutch-language lecture I gave for the Centrum voor de Studie van de Gouden Eeuw at the University of Amsterdam (September, 2004).

[1] East of Nijmegen the Rhine divides into the Waal (the main channel, flowing west) and the Nederrijn (Lower Rhine), flowing northwest, of which there are other branches downstream. A bit south of the Waal, the Maas (Meuse), after a great turn to the west, flows into the Waal upstream from the Holland towns of Gorcum and Woudrichem. This was the east-west line to which contemporary sources refer when they speak of events happening "above the rivers" or "below the rivers."

[2] In Dutch, the name of the country is Nederland. The former county or province of Holland is now two provinces: Zuid-Holland (of which the capital is The Hague), and Noord-Holland (of which the capital is Haarlem).

[3] Prior to 1572 there were seven votes in the States of Holland, one for the college of nobles, and one each for the six "great cities," which were, in order of precedence, Dordrecht, Delft, Leiden, Haarlem, Amsterdam and Gouda. All these cities lay south of the IJ, an extension of what was then the Zuider Zee, running east from Amsterdam. When Spanish forces captured Haarlem (1573), rebel towns north of the IJ were cut off, and began meeting among themselves. By the 1580s the States had eighteen urban votes, now including Rotterdam, Brill, Gorcum and Schiedam (south of the IJ), and Hoorn, Alkmaar, Enkhuizen, Edam, Monnikendam, Medemblik and Purmerend (north of the IJ). See J.W. Koopmans, *De Staten van Holland en de Opstand. De ontwikkeling van hun functies en organisatie in de periode 1544–1588* (The Hague. 1990).

145,000,000 florins.[4] Holland had of course a financial history that predates the Revolt, as a Habsburg province, but what happened later becomes all the more interesting if one grasps the fact that Holland's well-established credit nearly collapsed in the crisis of the early years of the Revolt.[5] (-1-) In these dire circumstances, Holland's political elite—the nobles and burghers who appeared regularly at meetings of the States[6]—laid the foundations for a new provincial debt, based on the credit of the town corporations. This was the structure of state debt that would prove strong enough to match the cash-raising capacities of the mighty Spanish monarchy (-2-).

1. *The credit of Holland as a Habsburg province*

In Europe of the 1500s, governments paid for their wars with borrowed money. While each state had reliable revenues, collection was slow, and receipts were invariably pledged to other purposes. By contrast, the mercenary companies employed in most armies demanded cash: without at least a month's pay "in the hand" they would not march. Moreover, in an age of "military revolution,"[7] not even the greatest of European princes had enough current income for the needs of an up-to-date campaign. The Habsburg Netherlands were ruled in the name

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[4] Marjolein C. 't Hart, *The making of a bourgeois state. War, politics and finance during the Dutch Revolt* (Manchester and New York, 1993), 80, 166–169.

[5] The Revolt first gained a permanent foothold in the Low Countries when many towns in the seafaring provinces of Holland and Zeeland raised the standard of William of Orange during the spring and summer of 1572. These rebel enclaves were then hard pressed by Spain's forces, until Spanish discipline broke in the great and terrifying mutiny of 1576. There followed a brief respite when it seemed that provinces divided by religion (Holland and Zeeland permnitted only Reformed worship, thought this was then the creed of only a small minority) might join forces in opposing Spanish troops. But then Alexander of Parma restored the king's authority in the Walloon lands (1579–1582), and gave a texbook demonstration of siege warfare (1583–1587).

[6] See the very useful appendix in Koopmans, *De Staten van Holland en de Opstand*, giving short sketches of the seventy-three men who, between 1544 and 1588, appeared most often as delegates of their towns, or as members of the college of nobles.

[7] Geoffrey Parker, *The military revolution. Military innovation and the rise of the West, 1500–1800* (Cambridge, 1988). While Prof. Parker's volume has shaped subsequent discussion, it seems fair to say that the accent has shifted from the sixteenth century (siege artillery, the bastion trace, larger armies) to the seventeenth century (the professionalization of armies). This trend was evident at a recent conference on "War and Society in the Dutch Golden Age" (Instituut Defensie Leergangen, Rijswijk, December 2005).

of Emperor Charles V by his aunt, Margaret of Austria (1517–1530), then by his sister, Mary of Hungary (1531–1555). Margaret's revenues as Regent of the Netherlands could be as high as 1,000,000 florins, Mary's as high as 1,500,000.[8] Yet Mary needed approximately 2,500,000 florins a year for war against France (1542–1544), and 5,000,000 florins a year at the outset of the long war that lasted from 1552 to 1559.[9] The difference between income and expenditure had to be made up by lenders, and since large sums were needed in a hurry one turned to the financial markets.[10] Thus Mary of Hungary contracted loans on the Antwerp exchange, and also in Spain, where the great firms of Augsburg and Genoa were accustomed to supporting the dynasty.[11] In return, the bankers demanded custody of choice revenues, so as to repay themselves the principal, plus interest of 20% or more. There had been a time when princes felt at liberty to cut the gordian knot by defaulting on their obligations to the great banking houses.[12] But in the sixteenth century one could never be sure that the next year would would not bring a new campaign, necessitating new loans from the bankers; hence even a partial default was too drastic to contemplate, save in the most desparate of circumstances.[13] Instead of cancelling expensive, short-term bankers' loans, governments rolled them over, by inducing their subjects to provide long-term credit at lower rates, and pledging reliable revenues for this purpose.[14]

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[8] The *Carolus gulden* or florin was for most of the Sixteenth Century a money of account equivalent to twenty silver *stuivers*, or forty silver groats.

[9] James D. Tracy, *A Financial Revolution in the Habsburg Netherlands. Renten and Renteniers in the County of Holland, 1515–1565* (Berkeley, 1985), Chapter 2.

[10] For the most recent brief overview, Martin Körner, "Public Credit," in Richard Bonney, ed., *Economic Systems and State Finance* (Oxford, 1995), 507–538. See also James D. Tracy, "Taxation and State Debt," in Thomas A. Brady, Jr., Heiko A. Oberman, and James D. Tracy, eds., *Handbook of Euyropean History, 1400–1600* (2 vols., Leiden, 1994), I, 563–588.

[11] In general, Ramon Carande Thobar, *Carlos V y sus Banqueros* (3 vols., Madrid, 1943–1967, 2nd edition of vol. 1, 1969). Mia Rodriguez-Salgado, *The Changing Face of Empire: Charles V, Philip II, and Habsburg Authority, 1551–1559* (Cambridge, 1988), 59–64, has calculated that approximately 5,700,000 Spanish ducats (equivalent to perhaps 9,124,000 florins) were shipped from Spain to the Netherlands from the beginning of 1552 through February of 1554, either as direct transfers, or as repayments for loans contracted in Antwerp.

[12] Richard Kaeuper, *The Ricciardi of Lucca and Edward I* (Pinceton, 1973).

[13] Cf. Rodriguez-Salgado's discussion of Philip II's partial defeault in 1557, by which high-interest bankers' loans were arbitrarily converted to low-interest *juros* (bonds of the treasury of Castile: *The Changing Face of Empire*.

[14] Tracy, *A Financial Revolution*, Chapter 1, and "On the Dual Origins of Long-Term Urban Debt in Medieval Europe," in Marc Boone, Karel Davids, and Paul Janssens,

For voluntary loans, rulers did not approach their subjects directly. Everyone knew that a prince could sign a piece of paper more easily than his harried fiscal officials could honor it. Even in France, which boasted a sense of national identity focused on the person of the king, royal officials dealt with prospective lenders through trusted local intermediaries, like the town corporation of Paris, which agreed (1522) to serve as a guarantor for new instruments of royal debt known as *rentes sur l'hôtel de ville*.[15] In the Habsburg Netherlands, more a collection of provinces and towns than a unified country,[16] the cooperation of trustworthy intermediaries was all the more necessary. Scholars now speak of the "core" Netherlandish-speaking provinces, Brabant, Flanders, and Holland, which together accounted for about 75% of the annual ordinary subsidy.[17] In Brabant, government officials in quest of short-term loans often dealt with the town corporation of Antwerp, then the great entrepot for northern Europe. In Flanders, the Franc of Bruges, a federation of small towns and rural communes east of Bruges, was a frequent partner in government credit operations. In Holland, officials negotiated with the provincial States, which acted as a body in assuming responsibility for a share of the sovereign's debt. In each case, the intermediary body issued *renten* (annuities) in the sovereign's name; the most common rates were 6.25% for redeemable bonds (*losrenten*), and 8.33% for life-bonds (*lijfrenten*) that paid interest until the death of a named beneficiary. Initially, both interest and principal were to be funded from the city's or province's share in the annual ordinary subsidy. But as the ordinary subsidy came to be increasingly burdened by debts of various kinds,[18] the government feared losing altogether its best source of cash revenue. Hence in 1542, facing huge outlays for a

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eds., *Urban Public Debts. Urban Government and the Market for Annuities in Western Europe (14th–18th Centuries)* (Turnhout, 2003), 13–27.

[15] Martin Wolfe, *The Fiscal System of Renaissance France* (New Haven, 1972).

[16] A.C. Duke, "The Elusive Netherlands. The Question of National Identity in the Early Modern Low Countries on the Eve of the Revolt," *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 119 (2005): 10–38.

[17] Tracy, *A Financial Revolution*, 46–47: in 1531, when the annual subsidies of all the provinces then contributing amounted to 567,650 florins, Brabant and Flanders were each liable for 200,000 florins (35%), and Holland for 80,000 (14%). If Holland became the backbone of the Dutch Republic, it was because Flanders and Brabant, south of the Waal-Maas line, were largely reconquered by Alexander of Parma, and continued under Spanish rule.

[18] The "rebates" that government officials promised the towns with voting rights (in order to obtain their approval of new subsidies) were also counted as "debts" against the ordinary subsidy.

war with France, Mary of Hungary won agreement from the provincial States for a new series of *renten*-issues. These *renten* were funded by new revenues devised and administered by the States assemblies, not by officials of the central government. In Holland, the States levied for this purpose excise taxes in the towns (notably on beer and wine), and a land-tax in the countryside. This new system was tested by the dreadful Habsburg-Valois war of the 1550s, and by economic difficulties in the 1560s. Nonetheless, by dint of levying excises on additional commodities, and raising the rates, the States kept up interest payments on a growing debt, and, after peace came in 1559, retired a major part of the principal.[19] But when most of Holland's walled towns raised the rebel standard of William of Orange (spring and summer, 1572), the Lords States faced an entirely new set of circumstances.[20]

In July 1572, the States of Holland, including representatives from a majority of the six towns that had hitherto enjoyed voting rights,[21] convened for the first time under the aegis of the Prince of Orange. Because Spain still controlled fifteen of the seventeen Low Countries provinces, and much of the countryside in the two rebel provinces (Holland and Zeeland), rebel towns were in effect islands in a royalist sea.[22] In this tense atmosphere, Orange and his advisers knew the towns would remain true to the "patriot" cause only if they were garrisoned by one or more companies of professional soldiers; their job was not just to defend the walls, but also to keep a wary eye on faint-hearted burghers. As usual, however, mercenary companies did their duty only if they were paid. Hence in July 1572 the States diverted Holland's most reliable revenue—the provincial excise and land-tax that had hitherto been funding *renten*—to the "monthly contribution" promised to Orange for war expenses, notably including the monthly wages of the garrison companies. Holders of Holland *renten* had no relief until a States resolution

[19] Tracy, *A Financial Revolution*, Chapters 2, 3, and 4.

[20] The fundamental work on the finances of the Dutch Republic is R. Liesker, W[antje] Fritschy, eds., *Gewestelijke financiën ten tijde van de Republiek der Verenigde Nederlanden*, Deel IV, *Holland (1572–1795) = Rijks Geschiedkundige Publicatien, Kleine Serie*, no. 104 (The Hague: Instituut voor Nederlandse Geschiedenis, 2004).

[21] Amsterdam remained loyal to Spain until 1578.

[22] For the period of civil war in Holland (1572–1576), Henk van Nierop, *Het Verraad van het Noorderkwartier. Oorlog, Terreut en Recht in de Nederlandse Opstand* (Amsterdam, 1999). A similar situation prevailed in Zeeland, the only other province where towns had raised the standard of rebellion.

of 1577, indicating that unpaid interest for the last four years was added to the principal, henceforth to be paid at 6.25%.[23]

Meanwhile, receipts from the provincial excise and land-taxes—soon renamed the *gemene middelen* (common means)—were at first disappointing, as if tax-payers waited to see whether the new government would establish itself. In 1574, the town deputies in the States steeled themselves to a drastic measure: two-thirds of the *urban* beer and wine exciseswould henceforth be set aside for the needs of the province.[24] With this reinforcement, the *gemene middelen* surpassed the level of pre-Revolt receipts for the equivalent taxes. Yet, as always, the costs of war rose faster than revenues did. In May 1575, when the *gemene middelen* yielded 29,000 florins a month, William of Orange, as Stadtholder and "High Authority" in Holland and Zeeland, demanded that Holland increase its "monthly contribution" for the war from 45,000 to 55,000 florins; the States agreed, but this was not the last such demand. By 1576, when the *gemene middelen* yielded perhaps 50,000 or 60,000 florins a month, Holland's monthly quota had risen to 100,000 florins.[25]

Whence was the rest of the money to come? It had to be borrowed, and at the charge of the States of Holland, but in circumstances very different from those of the 1540s or 1550s. Then, Holland's credit attracted a diverse pool of investors, including government officials in Brussels, and Genoese bankers in Antwerp.[26] Now, the province had virtually defaulted on a pre-Revolt *renten* debt that amounted to perhaps 1,000,000 florins, counting the accumulated unpaid interest. There was also the small matter of an unpaid bond (*obligatie*) for 385,000 Rhine *gulden* (500,000 florins), pledged by the rebel States of Holland in 1572 to the regiments of German cavalry recruited by William of Orange for

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[23] James D. Tracy, "Emigré and Ecclesiastical Property as the Sheet-Anchor of Holland Finance, 1572–1584," in Philip Benedict, Guido Marnef, Henk van Nierop, and Marc Venard, eds., *Reformation, Revolt and Civil War in France and the Netherlands, 1555–1585* (Amsterdam, 1999), 255–266, here pp. 257–259.

[24] J.H. van Dijk, "De geldelijke druk op de Delftsche burgerij in de jaren 1752–1576," *Bijdragen voor Vaderlandsche Geschiedenis en* Oudheidkunde, 7e Reeks, V (1935): 169–186, here 174–176. While urban beer and wine excises had a long history in Holland (as elsewhere), beer and wine excises under provincial auspices were not successfuilly introduced until the 1540s.

[25] W[antje] Fritschy, "A 'financial revolution' reconsidered: public finance in Holland during the Dutch Revolt, 1568–1648," *Economic History Review*, 56 (2003): 57–89, here Tables A1 and A2, pp. 81–83.

[26] Tracy, *A Financial Revolution*, Chapter 5.

what proved to be a futile effort to relieve the Spanish siege of Mons.[27] In other words, for the sums they needed, the rebel States had no one to turn to except Holland's burghers, who would have had a pretty good idea of the parlous condition of provincial finances.

2. *Holland's credit re-established: the town corporations as fiscal intermediaries*

Two kinds of credit instruments were familiar to investors in the Habsburg Netherlands. The short-term *obligatie*, usually for six months or a year, represented a claim against all of the incomes of the issuer, and could pass from one hand to another without official registration of the transaction. The long-term *rente* or *rentebrief* (payable until redeemed, or for a life term, as discussed above) was funded by specific, known revenues, and thus carried a lower rate of interest; it could not be transferred without bringing the "letter" itself to the receiver-general's office in The Hague, to have the new owner's name entered on the back, and also in the clerk's account book.[28] Holland's receiver-general could always find buyers for *obligatiën*, but interest rates fluctuated widely. During the years when civil war raged within the borders of the province (1572–1576), there are reports of loan contracts with interest as high as 30% or even 40%.[29] To minimize the need for credit at such ruinous rates, the Lords States called on town corporations to stand as guarantors for the debts of the province, much as the government of Charles V had called upon the provinces to stand as guarantors for the debts of the sovereign. Town magistrates agreed to find among their burghers lenders for stated amounts, almost always on the promise of repayment within six months. Since the town corporation was co-responsible for the debt, loans were raised at 12% interest. To avoid quarrels among the towns, William of Orange (or those he designated)

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[27] The debt was cleared in 1584 by a transfer to the creditors of monastic property and old Holland *renten*: Tracy, "Emigré and Ecclesiastical Property," 264–266.

[28] Fritschy, "A 'financial revolution' reconsidered, 58, 74–76: against my suggestion (in *A Financial Revolution*) that the States of Holland continued even after 1572 to raise money by issuing *renten*, Prof. Fritschy points out, correctly, that in the era of the Dutch Republic Holland's debt was largely created through the sale of *obligatiën*. By the 1580s one finds references to *obligatiën* made out to "the bearer" (*toonder*).

[29] *Resolutien van de Staten van Holland* (278 volumes, Amsterdam, 1524–1793), hereafter abbreviated as RSH: 30 June 1575, 14 April 1576.

took responsibility for assigning each city its quota in what were called "repartitions" (*repartitiën*).[30]

The money raised in this way—more than 600,000 florins in the period 1572–1576–went to pay garrison wages and other military charges that were supposed to be covered by the *gemene middelen*, but could not be. The problem was that repartition loans assigned for repayment on future *gemene middelen* revenue had to be "continued" from one year to the next, because these precious cash receipts were always needed (and were never enough) to keep up the pay of the garrison companies. Yet the patience of burgher-lenders was not infinite. The Lords States provided partial relief by transferring to the control of individual towns the revenues from local monastic properties, confiscated at the beginning of the Revolt; burghers could thus trade in their Holland *obligatien* (from repartition loans) for *renten* secured by the incomes of familiar properties. Nonetheless, the overhang of debt continued to grow. By June 1576 the Lords States found it prudent to undertake not to impose any more repartition loans for at least six months.[31] Just at this moment, however, a great mutiny among Spain's unpaid troops, together with the ensuing reaction among hitherto loyalist provinces, gave Holland a two-year break from active warfare.[32]

By this time Holland had outstanding debts of approximately 3,000,000 florins, about half from the pre-1572 *renten* debt, and the rest in the form of unpaid *obligatien* issued since 1572.[33] The brief respite from the war permitted some steps toward shoring up Holland's credit. A portion of the provincial beer excise was set aside to resume payment

[30] For the nearly continuous history of "repartition" loans, from 1572 through 1668, see Liesker and Fritschy, *De gewestelijke financiën*, vol. IV, *Holland*, Tafel II.1.2, colum 4, pp. 160–163, together with the discussion, pp. 177–183.

[31] RSH, 4 June 1576, the deputies are resolved not to dercee any more *repartitiën* for at least six months; between 24 August 1576 (a repartition is decreed for 24,000 florins) and August 1579, I have not found in the sources I have consulted reference to any further repartitions. The relevant table in Liesker and Fritschy (cited above, note 30) does not list any repartition loans for 1577–1581, 1584, nor from 1587 through 1598.

[32] Not counting the effort by Orangist forces to subdue loyalist Amsterdam, which gave its adherence to the Revolt only after a coup d'état from within (May 1578).

[33] See Table 1, sections 1 and 2. If one assumes that outstanding *renten* were half in the form of *losrenten*, usually paying at the rate of 1:16 or 6.66% per year, and half in the form of *lijfrenten*, usually paying at the rate of 1:12 or 8.33%, a total of 100,000 florins in annual interest may be capitalized at an assumed rate of 1:14, meaning a capital debt of 1,4000,000 florins.

of interest on the pre-1572 *renten* debt,[34] and the total of post-1572 *obligatiën* still outstanding was reduced from an estimated 1,500,000 florins in 1578 to about 1,160,000 in 1582 (Table 1). Meanwhile, however, when fighting resumed in 1579, the Lords States had to go back to imposing repartition loans to cover the shortfalls in monthly *gemene middelen* income.[35] As indicated in Table 1, between 1579 and 1583 burghers were called upon to provide capital at levels only slightly higher than what had been demanded of them between 1572 and 1576. Over the next five years, as the States General demanded larger sums from what was now the richest province,[36] to counter Alexander of Parma's grand offensive in Flanders and Brabant, Holland imposed repartion loans at roughly three times the previous rate: 385,000 florins in 1584, 687,000 in 1585, 446,000 in 1586, 500,000 in 1588.[37]

Moreover, these loans, organized as before by town governments, were not enough to meet the need. Hence the States of Holland asked its financial officials to raise loans to "anticipate" their revenues (Charles V's government had done the same). The *gemene middelen* were collected by so-called receivers-particular, each with an office in the main town of his collection district, of which he was invariably a respected burgher. Together with the receiver-general in The Hague, to whom they rendered their accounts, the receivers-particular were authorized (and sometimes specifically instructed) to negotiate loans with wealthy subscribers, usually at the same 12% rate that was offered for repartition loans. Receivers used the capital to pay expenses chargeable to the *gemene middelen*, then repaid their creditors from subsequent receipts. Data for such transactions in this period are scarce, but, as may also

[34] RSH 8 May, 11 June, 3 July, 13, 22 August 1577. For a tax of four stuivers (.25 florins) per barrel of domestic beer, levied as of 1578 to pay interest on pre-1572 *renten*, Liesker and Fritschy, *De gewestelijke financiën*, vol. IV, *Holland*, 199, 309.

[35] For figures on *gemene middelen* income between 1578 (818,397 florins, or about 68,000 a month) and 1586 (1,190,424, or about 99,000 a month), see James D. Tracy, "Keeping the Wheels of War Turning: Revenues of the Province of Holland, 1572–1609," in Graham Darby, ed., *The Origins and Development of the Dutch Revolt* (London and New York, 2001), 133–150, here p. 134. Wantje Fritschy, "A 'financial revolution' reconsidered,' Table A2, p. 83, gives the same figures for the years 1578–1586, from the same source (a summary of Holland's finances presented by the Lords States to the Earl of Leicester in the fall of 1586).

[36] Flanders and Brabant were effectively removed from participation in the Orangist States General by Parma's conquests.

[37] Five-year averages for the figures given in Table 1, section 3, are: 1572–1576, 128,000 florins; 1579–1583, 152,000 florins; and 1584–1588, 447,000 florins.

be seen from Table 1, the receivers-particular in 1586 raised in this way a sum equivalent to the repartition loans for that year. In 1588 the receiver-general alone booked loans for an estimated one million florins, twice as much as the repartition loans for that year. It seems safe to assume that the combined receivers' loans for the years 1584–1588 were at least equal to the 2,239,000 in repartition loans subscribed during the same period.

In other words, a province from which lenders demanded 30% or 40% interest in 1575 was, ten years later, capable of raising about a million florins a year in new loans, for six months to a year at 12%. Assuming that no more than half of the loans could have been retired on schedule, the province's capital debt would also have been growing year by year at an appreciable rate. Nonetheless, lenders kept subscribing to new loans. The two-year respite from the fighting vouchsafed to Holland by the Spanish mutiny of 1576 had a lot to do with this recovery of the province's credit, but one must look as well to two further measures undertaken by the Lords States.

1. The *verponding*. Until 1572, Habsburg officials in Holland[38] had collected, for the annual ordinary subsidy, a tax on real property known as the *schiltal*, based on an assessment that had last been revised in 1514/1515.[39] The re-establishment of this tax or something like it, as source of revenue for redeeming the repartition loans, was an obvious possibility. But, in the absence of a quasi-sovereign Regent who could now and then summon deputies to Brussels for a good talking-to, the old problem of getting the province's many towns and villages to agree on a plan for a new assessment of real property had not become any easier. After a few false starts, the Lords States decided to make a beginning on the basis of previous levies, notably a 1% tax on real property imposed by the Duke of Alba in 1569. This levy, known as the *verponding*, was imposed for the first time in 1581, with an expected yield of approximately 100,000 florins. A States committee, charged with drawing up a new assessment, completed its work by 1584. Meanwhile, because the level of repartition loans needing repayment had

[38] Holland's receiver-general or receiver of the subsidies was appointed by, and rendered accounts to, the Council of Finance in Brussels. The official in charge of separate revenues controlled by the States (mainly the provincial excise and land taxes for funding *renten*) was then called the receiver for the common land; he was appointed by, and rendered accounts to, the Lords States.

[39] Tracy, *A Financial Revolution*, Chapter 2.

risen dramatically, the level of *verponding* revenue had to be increased as well. For 1584, the Lords States decreed no fewer than six *verpondingen*, expected to yield 667,000 florins. Within a few years, this sum had become known as "the ordinary *verponding*," meaning that it was collected every year, together with whatever additional sum the Lords States decreed as an "extraordinary *verponding*."[40]

In a time of war, when cash was routinely shifted from one pot to another as need required, it would have been surprising if revenue dedicated to a specific purpose was actually spent only to that end. In fact, the resolutions of the Lords States, together with surviving account summaries, indicate that *verponding* receipts were often allocated to other purposes, like, for example, the repayment of a large loan that had originally been contracted (1575) between London's Company of Merchant Adventurers and the States of Zeeland. By and large, however, it seems that most of the money went, as intended, for retiring the repartition loans. There was a very good reason for this: the same urban magistrates who raised the repartition loans from their burghers, engaging the credit of the town corporation as well as that of the Lords States, had full control over the collection of *verponding* receipts within town walls. The urban *verponding* was a tax, often 2%, on houses and other structures, levied and administered by the magistrates. In town treasury records (as, for example, in Amsterdam) one finds the same sum recurring twice, first under income, as the amount collected for the "fiftieth penny" on the valuation of houses, then under expenditures, as the amount repaid to burghers for stated repartition loans. This system doubtless made it more palatable for burgher lenders to keep on lending; if one's loans were not repaid, one could visit town hall for a chat with magistrates who were co-responsible for the debt, and had control of revenues dedicated to this purpose.[41]

2. *Renten* issued by the towns in Holland's name. Town governments became even more deeply involved in the management of Holland's state debt in consequence of a plan that was first broached in the States in 1586. For dealing with a large overhang of state debt, the standard remedy, familiar from the Habsburg era, was to transform short-term

[40] Liesker and Fritschy, *De gewestelijke financiën*, vol. IV, *Holland*, 171–176, together with my "Keeping the Wheels of War Turning," 139–143.

[41] James D. Tracy, *The Founding of the Dutch Republic: War, Finance, and Politics in Holland, 1572–1588*, (forthcoming from Oxford University Press), Chapters 8 and 11.

obligations into long-term obligations. Even if it was not possible in the course of this transaction to reduce the rate of interest, the government was effectively discharged of the great burden of redeeming principal: so long as annual interest was faithfully paid, investors seemed content to have a portion of their capital tied up in this way. But the States of Holland, having withheld payment on its pre-1572 *renten* for four years, could hardly expect to find voluntary buyers for a new issue of *renten*.[42] Hence it was proposed (April 1586) that town governments compel their burghers to purchase new States of Holland *renten*, at 1:14 (7.14%) for redeemable *renten* and 1:7 (14.28%) for life-*renten*. This scheme was so little to the liking of deputies from the towns that, at the next session, they took the unusual step of stipulating that the proposal in this form not be brought to the floor again. Instead, some deputies suggested that a sum of 300,000 florins in repartition loans be involuntarily converted to States of Holland *renten* at 1:12 (8.33%) and 1:6 (16.66%) respectively. But, as was noted in the *Resolutiën van de Staten van Holland*, "many cites" had problems with this idea as well. By the fall of 1586 the deputies had worked out a compromise solution. Burghers and properous country folk with outstanding repartition loans were to receive *rentenbrieven* issued "in the name of" Holland, but by their respective town or village corporations. In return, the town and village magistrates got "letters of indemnity" from the Lords States, guaranteeing that Holland (and its revenues) were indeed responsible. By 1591, it seems that a cumulative total of approximately 2,150,000 in short-term *obligatiën* had been converted in this way to *renten* (Table 1, section 4), for which the town or village government used local *verponding* receipts to pay annual interest.[43]

The relationship among the various kinds of transactions discussed here is summarized in Table 1. Section 1 represents Holland's pre-Revolt *renten* debt, on which annual interest payments were resumed in 1577, and which dwindled over time, as (for example) beneficiaries of life-*renten* died out. Section 2 gives some idea of the scope of debt in the form of short-term *obligatien* contracted by the Lords States, includ-

[42] See above, note 28. I accept Prof. Fritschy's correction of my earlier view that *renten* issued by the States continued after 1572 to be the main component of Holland's debt. But to my knowledge, no one has yet raised the question of the *renten* issued in Holland's name by the towns and villages of the province.

[43] "The Founding of the Dutch Republic," Chapter 11.

ing but not limited to loans raised by Holland's receivers.[44] Section 3 provides annual totals for the repartition loans which town magistrates induced their burghers to provide; from 1585, wealthy peasants were also called upon for loans. Finally, section 4 indicates the means by which large sums of capital debt were transformed into a far more manageable annual interest debt. This last transaction is, I suggest, to key to understanding how the Lords States restored Holland's credit, and how they were able to raise, with each passing year, larger and larger sums in short-term loans. In effect, the towns (and villages) came to the province's rescue in the 1580s in the same way that provincial and town governments had come to the rescue of their Habsburg sovereign in the 1540s and 1550s. The crucial point is that wealth-holders opened their purses more readily if a government's loans were guaranteed by trusted local intermediaries.

Conclusion

The importance of fiscal intermediation in the management of state debt in the early modern era was hardly peculiar to the Habsburg Netherlands, or to Holland after 1572. In fact, if the historiographical construct of state absolutism seems to be in retreat all across Europe,[45] it is in part because students of financial history have uncovered more and more ways in which even the most exalted of princes still depended on the collaboration of local intermediaries in order to enter the credit markets. Piedmont-Savoy has often been presented as a model of absolutist rule, once Duke Emmanuele Filiberto took the reins of power (1559); but on closer inspection, it turns out that the collection of ducal revenues required the collection of provincial estates and even village assemblies.[46] In France, as late as the eighteenth century, royal

[44] The column for "Post-1572 Debts" includes a multitude of *obligatiën* held by military commanders and purveyors of war materiel, as well as the 1572 *obligatie* held by German cavalry commanders, and the 1575 loan provided by London's Merchant Adventurers, both of which were paid off in 1584.

[45] One must make an exception for Russia, for which the thesis of an autocratic state still has strong defenders: Marshall Poe, *A people born to slavery: Russia in early modern European ethnography* (Ithaca, 2000); Richard Hellie, *The economy and material culture of Russia, 1600–1725* (Chicago, 1999).

[46] Matthew Vester, "Fiscal commissions, consensus and informal representation: taxation in the Savoyard domains, 1559–1580," *Parliaments, Estates and Representation* 20

officials engaged the collaboration of regional corporations, including the provincial states, to guarantee the king's loans.[47] One should thus be careful about drawing too sharp a distinction, at least in the sphere of credit relations, between the republican institutions of the United Provinces and the monarchical institutions of most other European territories.

But Holland's version of the widespread phenomenon of fiscal intermediation does have important implications for an understanding of the Dutch Revolt. From at least 1583, Holland provided the lion's share of the Dutch Republic's war budget. Most of the money spent was borrowed (at least in the first instance),[48] and much if not most of the borrowed money came from burghers who could deal directly with the town magistrates who guaranteed their loans. In this system, as in few others,[49] those who provided the state with credit had means of letting it be known how they would like to see their money spent. One has no way of peering into the minds of lenders, but it seems reasonable to imagine that the safety and security of their own province would have been uppermost in their thoughts. In fact, the Lords States pursued a war strategy that was very much along the same lines. They raised goodly amounts for campaigns conducted south of the Waal-Maas line (though not as much as demanded by the States General), but consistently expended larger sums on the garrison companies whose task was to defend Holland's borders. As a near-contemporary historian put it, the aim of the Lords States was to ensure that "Holland's garden" was "closed tight."[50]

This objective was accomplished: after 1578, there was no major battle inside the borders. Secure behind its *cordon sanitaire*, Holland's garden flourished, attracting emigrés from war-torn provinces to the

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(2000): 59–74; "Territorial Politics and Early Modern Fiscal 'Policy': Taxation in Savoy, 1559–1580," *Viator* 32 (2001): 279–302.

[47] Mark Potter, Jean-Louis Rosenthal, "The Development of Intermediaries in the French Credit Market: Evidence from the Estates of Burgundy," *Journal of Economic History* 62 (2002): 1024–1049.

[48] Cf. the loans raised by the receivers, which in effect anticipated the collection of *gemene middelen* receipts.

[49] The Republic of Venice comes to mind. During the sixteenth century Venice shifted from a state debt based on forced loans to one involving the sale of annuities on the open market: Luciano Pezzolo, *L'oro dello Stato. Società, finanza e fisco nella Repubblica veneta del secondo '500* (Venice, 1990).

[50] Pieter Christiaenszoon Bor, *Oorsprongk, Begin ende Vervolgh van de Nederlandsche Oorlogen* (3 vols., Amsterdam, 1679–1685), vol. I, Book XI, 906–908.

east and south.[51] The companies on Holland's payroll were now posted a bit beyond the frontier, preferably in towns along the rivers that gave access to Holland. This is precisely the kind of thinking that William of Orange and his closest collaborators condemned as "particularist," that is, focused on the good of an individual province, not on that of the commonwealth as a whole. Historians have generally followed Orange's lead; that is, they have written the story of the Revolt from the standpoint of a central government (Orange himself, or the States General) that attempted to impose its will on the provinces, but was seldom able to do so, least of all on Holland. I would argue that it makes more sense to follow the Revolt from the standpoint of this one province, where key decisions were made about how to allocate the resources of the rebel government. In sum, it seems that Holland's burgher-lenders got the kind of war for which they were willing to pay—one that put the interests of Holland's garden first and foremost.[52]

[51] For an argument that political conditions created by the Revolt were the single most important factor in the spectacular economic boom that Holland began to experience from 1585 or 1590, Clé Lesger, *Handel in Amsterdam ten tijde van de Opstand* (Hilversum, 2001).

[52] This last paragraph is based on my "For Holland's Garden. The War Aims of the States of Holland, 1572–1588," Third Golden Age Lecture (Amsterdam: Centrum voor de Studie van de Gouden Eeuw, 2004).

Table 1. Debts of the States of Holland, 1572–1588.

1. *Renten* sold by the States before 1570

Year	Annual interest due	Source
1570	83,370	RAZH 3.01.28, nr. 327
1586	120,000	RAZH 3.01.14, nr. 99B
1593	73,707	RAZH 3.01.14, nr. 145C

2. Current *obligatiën* of the States

Year	Post-1572 debts	Receivers' loans Receivers particular/Receiver General		Source
1578	1,500,000			Bor, XIII, 19
1580	1,200,000			RSH 1–IV–1580
1582	1,157,641			RAZH 3.01.14, nr. 231
1586		482,877		RSH 6–I,7–III,9–IV,22
1588			1,065,364	RAZH 3.01.14, no. 332

3. Quotisations: burghers' loans @ 12%, raised by the towns (*estimate*)

Year	Sum	Source
1572	*145,000*	Van Dijk
1573	48,000	RAZH 3.01.13, no. 20 (Valckesteyn)
1574	144,200	RAZH 3.01.13, nos. 21, 22 (Van der Laan, Muys)
1575	173,000	RAZH 3.01.13, no. 22 (Muys)
1576	130,000	RAZH 3.01.14, no. 280
1579	238,000	RSH 28–VIII–1579, 17,20–X–1579
1580	133,000	RSH 31–III–1580, 3–XI–1580
1581	177,000	RSH 2–VI–1581, RANH 239, 11–VIII–1581
1582	85,000	RSH 4–IX–1582, RAZH 3.01.14, no. 99C
1583	127,000	RSH 26–V–1583, 12–VIII–1583; RAZH 3.01.14, no. 99C
1584	385,200	RAZH 3.01.13, no. 99C
1585	687,000	RAZH 3.01.14, no. 99C; GAA, Inv. 5044, no. 82
1586	446,000	RAZH 3.01.14, no. 99C; RSH 15–V–1, 26–VIII–1586
1587	220,000	RSH 1–II–1587, 16–V–1587
1588	500,000	RSH 4–III–1588, 5–VII-1588, 10–IX–1588

4. *Renten* = bonds issued by town corporations in the name of the States (*estimate*)

Year	Capital	Interest	Source
1586	275,000		RSH 26–VIII,11–X–1586
1587	200,000		RSH 4–VIII–1587
1591	*2,148,000*	164.000	RAZH 3.01.14, no. 335

Bor: see note 50
Van Dijk: see note 24
W. Fritschy: see note 25
RAZH: Rijksarchief van Zuid-Holland, The Hague
RSG: N. Japikse et al., eds., *Resolutien van de Staten Generaal, 1576–1609* (14 vols. The Hague, 1915–1970)
RSH: *Resolutien van der Heeren Staten van Holland en West-Vriesland* (274 vols., Amsterdam, 1795)
Ten Raa: F. De Bas, F.J.G. Ten Raa, *Het Staatsche Leger* (vols. 1–2, The Hague, 1911–1915).

SOCIAL CONTROL AND SOCIAL JUSTICE UNDER MAXIMILIAN I OF BAVARIA (R. 1598–1651)

Sigrun Haude

Maximilian I of Bavaria was a complex figure. He ruled his territory for over half a century and attempted to provide guidance to his subjects during an unusually tumultuous time—the entire Thirty Years' War (1618–1648)! The duke, who from 1623 was also elector, stands out as the most powerful amid his predecessors and successors in Bavaria. Among his contemporary peers he was the most successful in consolidating princely power. Not surprisingly, then, historians have called him the first absolutist prince.[1] Scholars have noted his political and dynastic ambitions, his extensive program of social and religious disciplining, and his deep religiosity.[2] Much less attention, however, has been paid to Maximilian's profound concern for social justice and fairness. The following analysis will examine closely Maximilian's program for social control, his underlying concerns, the means by which he tried to implement his plan, the areas that became particular targets of his scrutiny, the problems he encountered, and the place of social justice in his overall agenda of reform.

Maximilian is famous for his numerous and incessant orders and mandates with which he tried to regulate seemingly every aspect of his

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[1] Most recently Gerhard Immler, "Maximilian I. Der Große Kurfürst auf der Bühne der europäischen Politik," in Alois Schmid and Katharina Weigand (eds.), *Die Herrscher Bayerns* (Munich: Beck, 2001), 202–17, esp. 203.

[2] For the latter, see the article in this volume by Adrienne Nock Ambrose, "Devotion to 'Maria Sola' in the Age of Maximilian I." Among the most important studies on Maximilian are: Dieter Albrecht, *Maximilian I. von Bayern 1573–1651* (Munich: R. Oldenbourg Verlag, 1998); Robert Bireley, *Maximilian von Bayern, Adam Contzen S. J. und die Gegenreformation in Deutschland 1624–1635* (Göttingen: Vandenhoeck & Rupprecht, 1975); Hubert Glaser (ed.), *Um Glauben und Reich. Kurfürst Maximilian I. Beiträge zur Bayerischen Geschichte und Kunst 1573–1657* (Munich: Hirmer und R. Piper & Co., 1980); Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog und Kurfürst Maximilian I. von Bayern (1598–1651)* Schriftenreihe zur bayerischen Landesgeschichte, 72 (Munich: Beck, 1981); Immler, "Maximilian I" (as in fn. 1); Andreas Kraus, *Maximilian der Erste* (Graz: Styria Verlag, 1990); Kurt Pfister, *Kurfürst Maximilian von Bayern und sein Jahrhundert* (Munich: Franz Ehrenwirth Verlag, 1948); Gunter Zimmermann, "Territorium und Konfession am Beispiel Maximilians I. von Bayern," *Blätter für deutsche Landesgeschichte* 127 (1991): 211–33; and the articles in the *Sonderband* of the *Zeitschrift für bayerische Landesgeschichte* 65/1 (Munich: Beck, 2002).

subjects' lives, from religious observance and behavior to the economy and social conduct. Besides dancing, gambling, drinking, and particularly any kind of sexual misconduct and blasphemy, he limited all aspects of wedding festivities and, at various times, prohibited carnival and *Fastnacht* celebrations.[3] Maximilian ruled on the proper dress code and proscribed the joint bathing of men and women.[4] Like his predecessors and neighbors, Maximilian assumed ecclesiastical authority whenever he believed the clergy was not doing its job, which in his estimation was most of the time. His detailed instructions on religious duties concerned church visits, catechism classes, special prayers,[5] almsgiving, and cursing.

To what extent these measures and demands were met with compliance is another matter. Maximilian often complained about the lacking response to his commands and frequently reissued the same and similar mandates, which suggests that the populace was slow in responding to his orders. One could argue that, in a still largely oral culture, mandates were repeated regularly as part of the affirmation of the law and to remind people of their existence. But a look at his predecessors' and successors' practices shows that Maximilian stood out in his proliferation of mandates and ordinances.[6] Moreover, his administrators' reports reveal a picture of very uneven compliance with the governmental instructions and an ubiquitous gap between princely intent and common reality.

It is hard to say whether Maximilian thought that his vision could become a reality, or that it would remain largely a dream, but that, no matter how out of reach the vision's full realization, it was nevertheless his Christian duty as a sovereign to do everything he could to turn it into a reality. Like every prince of his time, he continually expressed

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[3] For carnival, see Stadtarchiv München, Bürgermeister und Rat 60 B 3, fol. 33r (31 January 1642); 60 B 9, fol. 4r–6r (16 January 1627); 62, fol. 250v (27 January 1616). For weddings, see Stadtarchiv München, Ratssitzungsprotokolle (Unterrichterserie) 249, fol. 288v (16 August 1634); 261/1, fol. 196r (30 May 1646).

[4] Stadtarchiv München, B&R 60 B 1, fol. 171r (19 September 1631); 60 B 1, fol. 93v (6 March 1631).

[5] Staatsarchiv München, Hohenaschauer Archiv 2, Akten A 1725, 24 May 1631, 8 June 1642, 12 Juni 1645.

[6] See Helmuth Stahleder's *Chronik der Stadt München. Belastungen und Bedrückungen. Die Jahre 1506–1705* (Ebenhausen and Hamburg: Dölling and Galitz Verlag, 2005) for an easy access to the various pronouncements of the Bavarian princes during the early modern period. Historians are also agreed on Maximilian's propensity to regulate. See, *e.g.*, the many publications by Reinhard Heydenreuter.

surprise and disappointment when his subjects yet again did not follow his orders. These formulaic phrases are difficult to interpret. His admonitions to his son, of 1639 and 1650, provide a valuable source for the issues that were close to his heart. Certainly, these fatherly instructions belong to a genre filled with standard phrases and concerns but, read in the context of his countless written statements, the two pieces are illuminating. One can also gain insight into what Maximilian tried to accomplish with his program of social and religious disciplining by looking at what areas attracted his special attention.

To start with his fatherly admonitions, Maximilian left two instructions for his son, Ferdinand Maria (r. 1651–1679), the *Väterlichen Ermahnungen* (1639) and the *Treuherzigen väterlichen Lehrstücke* (1650). The last piece, written one year before his death, expands the earlier version of 1639.[7] The *Väterlichen Ermahnungen* are anchored in reverence to God and piety:

> Everything exists in, from, and through God. The only lord and governor over everything is God, from whose hand all authority, power, glory, victory, and conquest come. Everything in heaven and on earth is his: he is above all princes and potentates. Whenever he wishes, he humiliates the great and elevates the little. He maintains the balance, for the poor as for the rich, for the lowly as for the high-born.[8]

A prince thus has to have a deep understanding of where power comes from and how volatile his power is. He only rules by the grace of God, who can take his power away anytime.[9] Moreover, in anti-Machiavellian fashion, he has to exercise piety, for "piety maintains kingdoms."[10]

It is no surprise that Maximilian urges moderation in all areas of lifestyle. What might astonish in view of his stern hand in governing his subjects is the fact that he recommends a gentle style of government:

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[7] The *Väterlichen Ermahnungen* were first written in Latin, probably by the Jesuit Vervaux, the *Treuherzigen väterlichen Lehrstücke* by the president of the court chamber, Dr. Johann Mändl, in both cases at the behest and according to the instructions of Maximilian. Pfister, *Kurfürst Maximilian*, 391 and Heinz Dollinger, "Kurfürst Maximilian I. von Bayern und Justus Lipsius. Eine Studie zur Staatstheorie eines frühabsolutistischen Fürsten," *Archiv für Kulturgeschichte* 46 (1965): 227–308, here 257 and 266. Dollinger discusses, among other topics, the relationship of the two writings to Justus Lipsius's work.

[8] "Väterliche Ermahnungen," excerpted in Pfister, *Kurfürst Maximilian*, 392 (this and the following translations are mine).

[9] Ibid., 395.

[10] Ibid., 392.

> When you carry out your rule with gentleness and kindness, everything will come up cheerful and pleasant. The most lasting and secure government is the one under which the subjects can live merrily. This occurs not so much when they fear the prince but when they are concerned for him and when they see in him a man who spares the afflicted, who mixes punishment with mildness, and who does not look upon them with unwarranted grandeur as serfs but like a father with kind eyes.[11]

One should win one's subjects over "more with kindness than with sternness." Indeed, "a prince should abhor excessive punishment as much as a physician abhors corpses."[12] The greater a prince, the more clement he should be. When Bavaria's peasants revolted in 1633 and 1634 under the heavy burden of military contributions, Maximilian had sympathy with their plight. His behavior toward them during the unrest was shaped by leniency and forbearance; it also showed clear support for the peasants against their local overlords.[13]

In his more practically oriented instruction of 1650, Maximilian advised his son to make certain that his administrators fulfilled their duties and that his mandates were being kept. It was also a very good idea to keep the country estates' desire for independence under firm control. And he should enhance "die liebe Justitia."[14]

Many of these statements are in keeping with the prevailing self-image of a sovereign during the seventeenth century. One of the foremost duties of a ruler was to increase God's honor and the well-being of his subjects.[15] Maximilian's pious donations, on the other hand, exceeded those of everyone else; and this kind of dedication that could at times border on obsession is evident in most areas of his reign.

Before discussing the sovereign's special areas of interest of his social reform program, one needs to pay attention to his extraordinary thirst for information, which was almost as striking as Maximilian's attempt to regulate every aspect of his subjects' lives. The sovereign introduced a spy system to keep a close watch over his subjects, and

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[11] Ibid., 395.

[12] Ibid.

[13] Hermann Hörger, *Kirche, Dorfreligion und bäuerliche Gesellschaft. Strukturanalysen zur gesellschaftsgebundenen Religiosität ländlicher Unterschichten des 17. bis 19. Jahrhunderts, aufgezeigt an bayerischen Beispielen*, vol. 1, Studien zur altbayerischen Kirchengeschichte, 5 (Munich: Seitz & Höffling, 1978), 135; Pfister, *Kurfürst Maximilian*, 323–24.

[14] Ibid., 399–401.

[15] Andreas Kraus, "Das katholische Herrscherbild im Reich, dargestellt am Beispiel Kaiser Ferdinands II. und Kurfürst Maximilian I. von Bayern," in Konrad Repgen (ed.), *Das Herrscherbild im 17. Jahrhundert* (Münster: Aschendorff, 1991), 1–25, here 5–7.

he demanded quarterly written reports from his officials and the local authorities so that he would constantly be up to date on what was going on in his territory.[16] If an administrator failed to send in his written report, he could expect to be fined.[17] Many of his officers who had to supply this steady stream of news were exasperated by Maximilian's apparently excessive need for being briefed. Consequently they resented not only his exercise of control over them but also the added level of bureaucracy that seemed tedious during a time of war. The burgomaster and council of Munich in particular resisted what they considered Maximilian's constant interfering and his insistence on far too much reporting. When the plague hit Munich in September 1634, the elector requested continuous written reports (every other day) about the kind and extent of the disease and the measures that were being taken. Irritated, the city responded with a brief summary and the claim that they did not know what else to report.[18] Three weeks later Maximilian complained again about the insufficient flow of information. The list of victims was apparently incomplete since it did not contain the names of those who died in the monasteries. The weekly reports should have a complete record of all the people who died, including those in the countryside, and particularly the ones among the Jesuits and other monasteries.[19]

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[16] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124; Umrittsprotokoll gegen die Donau, Rentamt München (1636); fol. 9v.

[17] Staatsarchiv München, LSA Rechnungen, 98, Landschreiberamt Burghausen, Landschreiberrechnung, fol. 20v (1645).

[18] Stadtarchiv München, Gesundheitswesen 34, Seuchen—Vorbeugemaßnahmen, fol. 59r–v (25 September 1634): "Durchleüchtigster Churfürst…Curfrsl: Dhl: haben an vnns, vnderm dato .19ten. disß solch:…bevelch außfertigen lassen. Nachdem E: Curfrtl: Dhl: vorkhommen, das alhie allerlay gefährliche Suchten vnd khrankheiten einreissen, vnd etliche gar an der *infection* versterben, deroselben aber aigentlich zuwissen vonnöthen, vnd vnns zu berichten gebürth hette, was es mit disen khrankheiten für ein beschaffenheit, oder was für andere *Contagios*suchten alhie *grassi*ren. Alß sollen wür außführlich vnd mit vmbstenden vnderthenigist berichten, wie es in der burgerschafft alhie beschaffen, vnd was für nothwendige anstalth geschechen. Wer vnd wieuil an solcher sucht verstorben. Ob, wieuil vnd veelche heüser gespört. Ob solche khrankheiten ab: oder zuenemmen. Vnd Ob sye von Annderen Orthen eingezetlet, oder woher den anfang genommen, vnd was dergleichen vmbstandt mehr seindt, wie wür dan volgendts solche berichten JederZeit vber den anndern Tag *continui*rlich einschikhen sollen: *What follows is a brief description of what kind of measures the city has taken against a possible spreading of the plague.* Alß sechen wür nit, was wür eberntwegen weiters zuberichten."

[19] Ibid., fol. 182r–v, Extract aus einem Churfürstlichen Befehl (19 October 1634). His demands here touch upon his special interest, namely the monastic foundations, particularly the Jesuits.

What for his officers were tiresome duties and an assertion of control, Maximilian considered to be one of the cardinal prerequisites of a successful ruler. A well-informed leader was a prepared leader who could act quickly before a situation got out of hand. Information also put him in the advantageous position of exerting pressure on people if he so desired. In his tug-of-war with Veit Adam, Bishop of Freising, his knowledge of abuses in the diocese enabled him to keep the bishop continually on his toes. When the elector told Veit Adam about country priests keeping concubines, the bishop responded with an embarrassing mandate to all his deacons:

> We are being informed by his Lord, the elector of Bavaria, and his officers about the vexing conduct of the clergy in retaining suspicious female persons especially in the countryside, of which we know nothing. It is, therefore, our earnest command to all of you that if you notice such irritating behavior, especially if it is public,…you will report it to us obediently. If you do not do so and if others hear about such excesses first, you will be punished severely.[20]

It is hard to believe that Veit Adam did not know anything about the living arrangements of his priests, especially since visitations over the previous decades made it quite clear that concubinage was still a common practice.[21] Nevertheless, even if he feigned ignorance, he had to answer to the seemingly all-knowing elector.

Maximilian's often resented attempts to reach into every corner of the local administration and life appear like the effort of a control-obsessed ruler; and his actions could veer in that direction. But a thorough reading of his pronouncements and those of his central administration reveals that he was intensely motivated by a desire to provide justice and fairness for his realm beyond the customary assertions that were expected of a ruler. The following analysis will address some of the issues that reflect Maximilian's concern for his subjects.

Education was intensely important to Maximilian. Many of his pronouncements focus particularly on the youth and on religious education. When his *Rentmeister* made his inspections in the Rentamt of Munich, he found a "rough and undisciplined folk" in the market town

[20] Archiv des Erzbistums München und Freising, Realia VN 2152, Mandat des Bischofs Veit Adam wegen der Konkubinen der Geistlichen (9 September 1647).

[21] See the visitation records in the Archiv des Erzbistums München und Freising.

Hohenwart.[22] Since the children spent their summer tending horses and were only sent to school during the winter, "the people are being raised in a very coarse and unskilled way."[23] They excused themselves by contending that they could not find any servants or folk who would do this kind of work. The *Rentmeister* told them this was a short-sighted argument and that they must realize that education was the key to the future: "Because catechism class and (secular) school are the necessary foundation of youth, and in such a market town people who can write and read are much needed."[24] If someone was too poor to go to school, the town should assist the youth financially. Maximilian was not only interested in furthering the religious education of his subjects but also the skills that would turn youths into responsible, disciplined, and capable subjects. Therefore, he demanded that not only the parishes but also the Latin and German schools be visited often to make sure they had exemplary instructors and were kept in good order.[25]

Religious education was not only directed toward children. The sovereign knew that adults needed to be instructed in the Word of God as well. Therefore, he did not accept the clergy's repeated defense as to why the ministers did not hold catechism class:

> For some time now the clergy has excused itself regarding the neglected catechism class by pointing to the rough winter and to the fact that the children are too cold to walk this far. However, one needs to consider that the children- and catechism class is not only meant for the youth but also for those who are established, for the household, and for those

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[22] During the early seventeenth century, Old Bavaria was divided into four, and from 1628 five, *Rentämter* (Munich, Burghausen, Landshut, Straubing, and then Amberg). These territories were each in the hands of a governor, or *Rentmeister*, who thus held one of the most crucial offices in the princely government. By the time of Maximilian, the *Rentmeister's* responsibilities included finances as well as law and order. See Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog Maximilian I von Bayern (1598–1651)* (Munich: Beck, 1981), 50–52.

[23] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124; Umrittsprotokoll gegen die Donau, Rentamt München (1636); fol. 390v.

[24] Ibid., fol. 390v–91r.

[25] Stadtarchiv München, Bürgermeister und Rat 60 B 3, Sammlung von landesherrlichen Erlassen, fol. 14r–v; Schulen, Visitation (5 July 1619): "Weil nicht wenig daran gelegen, das die Libe Jugend sowohl zu der Ehr gottes, als erhaltung gutter Pollicey in gutten christlichen Sitten, vnd Künssten erzochen, die Schullen aller orthen mit *qualificiert* = und Examplarischen Schullhaltern, welche, ihrem beuel nach der Jugend mit der furcht Gottes vorgehen sollen, versechen, und in Gutter ordnung erhalten werden, also sollen zum öfftern die beambte neben iedes orths Pfarrherrn, die Latheinische und Teutsche Schullen visitirt werden."

> associated with the house, who often need (religious) instruction even more than the children.[26]

Given the fact that most instruction paused during the summer because every hand was required in the field, canceling the winter classes as well amounted in essence to no education at all. Maximilian tried to remove what he considered the major impediment to attending catechism class by prohibiting the popular winter games during instruction time. This order applied to both children and adults.[27] Realizing, however, that vetoing play did little to persuade children of the value of religious instruction, the elector also decreed that churches should distribute devotional pictures, crosses, and pennies among the youth as positive inducement to come to class.[28]

It is clear from the electoral mandates that the problem lay not only with children who were more interested in games than in religious instruction, or in negligent heads of households.[29] Many ministers, too, evidently readily cancelled their classes. Thus, Maximilian had to overcome the resistance of many parties before catechism class could become a regular practice.[30]

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[26] Stadtarchiv München, Bürgermeister und Rat 60 B 2, Sammlung von landesherrlichen Erlassen, fol. 527v–28r: Christenlehre, Abhaltung auch im Winter (7 July 1631).

[27] Stadtarchiv München, Bürgermeister und Rat 60 B 3, Sammlung von landesherrlichen Erlassen, fol. 26r; Christenlehre, Spielverbot in the Abhaltungszeit (16 December 1639): "Jst auf zuschreiben der hhl: *ordinari*en ernstlich befolchen worden, das man im Land gerichtern, und hofmärchen zur zeit da die Wasser geschlagen die Künderlehr zuhalten, kein Kugl, oder andere Pillbläz, und Kurzweyl verstattet, hingegen sowohl die künder als gewachsene Leuth zu besuchung der Christenlehren obrigkeitlich angehalten werden sollen."

[28] Stadtarchiv München, Bürgermeister und Rat 60 B 2, Sammlung von landesherrlichen Erlassen, fol. 528r–v; Kinderlehre, Verteilung von Andachtsbildern, Kreuzen, Pfennigen (16 March 1639).

[29] Stadtarchiv München, Bürgermeister und Rat 60 B 3, Sammlung von landesherrlichen Erlassen, fol. 18r–v; Christenlehre, Besuchspflicht (27 September 1628): "Die haus Vätter sollen fleissig ihre Künder, und Ehehalten zur besuchung der Christenlehren bey unausbleiblischer Straff anweißen und sollen die beambte hirauf gutte aufmerkhsamkeit gebrauchen, ob die Pfärrer und Seelsorger ihre Schuldigkeit hirinen prachtiren, berichten, damit sowohl die Pfärrer als vnderthanen Vngehorsamb, und unfleis abgestelt, und hirüber die weithere *resolutiones* erwartet werden."

[30] Maximilian was not the only one to find catechism class wanting. The prince bishop of Freising, Stephan, also remarked on its sad state. Archiv des Erzbistums München und Freising, Realia 977a, Verzeichnis der Verordnungen und Aktenstücke in Beziehung auf den Christlichen Unterricht in dem Bistum Freising, 1) Auszug aus dem Mandat des Stephan, Fürstbischof zu Freising, an die gesamte Diozesangeistlichkeit in

The emphasis on religious education was coupled with Maximilian's concern to uphold Catholicism in his territory to the exclusion and extermination of all other confessions. He complained that his subjects knew so little about their faith that, when traveling through Protestant regions, they could easily be knocked over by the "acatholischen" and abandon their faith. In his usual way, Maximilian demanded that the people in authority submit to him quarterly reports regarding the attendance of catechism class and punish transgressors severely.[31]

As in many other areas of disciplining, so also in the execution of religious and secular education, Maximilian was frequently dissatisfied with the cooperation of the local authorities. Their governance did not bring about the results he expected. Increasingly, therefore, he relied on other bodies to achieve his goals. The growth of religious foundations under Maximilian is well known, particularly his connection to the Jesuits.[32] But the Capuchins' growth in Bavaria even surpassed that of the Jesuits. The more disappointed the sovereign became with the inefficiency of the middle and lower officials, the heavier he leaned on the orders to accomplish the religious consolidation in his territory. With their good example and earnest preaching, the orders thus emerged as essential agents in the realization of Maximilian's educational and disciplinary program.[33]

Crimes and punishment, or the proper disciplining of his subjects, was a second prominent feature in Maximilian's government. Both his writings and the reports of his *Rentmeister* continually bring up the issue

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Freising (16 March 1615); and 2) Brief an den Pfleger zu Maussenegg re. Kinderlehre und Tanzen (19 June 1619).

[31] Stadtarchiv München, Bürgermeister und Rat 60 B 2, Sammlung von landesherrlichen Erlassen, fol. 527r–v; Christenlehre, Besuchspflicht (23 September 1628): "Weil die Lands-Kinder, und unterthannen so schlecht in glaubenssachen unterrichtet seyn, das sie von diser wichtigen sach, von welcher gleichwohl das Seelen-Heyl abhangt, gemeiniglich gar nichts, oder wenig wissen, und eben dahero, wann sie in die fremde kommen, von denen acatholischen Leicht überworffen, und zum abfahl Gebracht werden, so sollen die Eltern ihre Kinder, und Ehehalten zu besuechung der Kinderlehr bey Vermeydung schwärer straff anhalten, und die Seelsorger hierin gleichfahls ihre schuldigkeit Thun, allergestalten die Beambte, und Obrigkeit genau darauf zusehen, und den Befund der sach nebst denen sich etwann Bezeigenden Mänglen alle *quartal* zuberichten haben."

[32] See especially Bireley, *Maximilian von Bayern*.

[33] Romuald Bauerreiss, *Kirchengeschichte Bayerns* (St. Ottilien: EOS Verlag, 1977), 3, 6.

of appropriate punishment, or rather the lack thereof.[34] The *Rentmeister* thus reprimanded the inadequate administration of justice in the city of Abensberg, where he found fault with the lax treatment of several cases of dissolute behavior (for example, drunkenness): "The punishment was far too mild; instead, such lazy people should be punished more severely so that this might serve others as a (warning) example."[35]

One of the main concerns of appropriate punishment was, therefore, deterrence. If offenders and criminals were dealt with leniently, people would only be encouraged to continue in, rather than change, their ways. This disciplinary motive comes through time and again. Yet, not every crime ought to be treated with harshness. It is evident that, for Maximilian, blasphemy and sexual misconduct stand at the top of the list of punishable offenses, and he was particularly upset when adulterers and the like got off with a slap on the wrist. Debtors, on the other hand, should be handled with more sympathy. His right hand, the *Rentmeister*, frequently admonished the local authorities to be more considerate of the delinquent's situation. He told the "lazy and negligent" administrator of the district (*Pfleggericht*) Abensberg not to give too short a time limit for paying back debts:

> For the poor debtors, such a short deadline will be very difficult or impossible to meet since there is considerable deprivation among the people. Therefore, it has been set down that the poor and ruined debtors are to be treated discretely. Moreover, none ought to be burdened beyond what he can bear. Instead, tolerable and manageable time limits ought to be negotiated with the creditors on the strength of the order passed by his Grace, the elector, so that none will be driven from his home, but rather the poor people will be preserved on their farms that have just recently begun to improve again.[36]

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[34] Every few years, Maximilian ordered his *Rentmeister* to visit each town and village under their jurisdiction and report on the state of their officers, local administration of justice, accounts, tax payments, and their *Pollizeywesen* (this term referred to issues pertaining to the local economy, such as weights and measures as well as the quality and price of meat, bread, and beer). This study draws particularly on the report of Munich's *Rentmeister* written in 1636. Besides examining the local records of the last five or six years, the governor of Munich's *Rentamt* investigated the ministers' performance and the congregations' religious observance. He also noted the degree of destruction in every town and village.

[35] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124, Umrittsprotokoll des Rentamts München (1636), fol. 62r–v.

[36] Ibid., fol. 45r–v.

Here, Maximilian showed concern for his subjects who had been impoverished by the war, but also for the jeopardized and still shaky economy. He wanted to prevent his subjects' flight from the land if conditions became too harsh to bear.

Furthermore, in this as in many other locales the *Rentmeister* advised the local authorities in suits of debt to do "what is right and fair, but to act discretely."[37] *Diskret* could mean "individually" as well as in a quiet way. Thus, in matters of debt the government advocated a differentiated treatment. Quite contrary to its strategy on moral crimes and blasphemy where punishments in the form of shaming were more important than monetary fines,[38] the government was not interested in dishonoring culprits publicly.

While the crisis of the war made the sovereign more lenient in his handling of debtors, calamities precipitated by the military conflict—infectious disease and plague—brought on harsh treatment of those who did not follow his orders of conduct.[39] Maximilian's concerns were to protect his subjects as well as his territory. Breakers of quarantine were a major threat to both, and, again, exemplary sentencing was needed to keep people from panicking or following their own faulty advice.

Even when the *Rentmeister*, on his rounds through his territory, found exemplary administrators, he invariably complained about inadequate punishment. This circumstance points to a fundamental disjuncture between the interpretation of justice by the court's central authorities and the local officials. The discussion above suggests that this divergence cannot be explained with Maximilian's sterner course and increase in

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[37] Ibid., fol. 62v, 134r, 160r.

[38] Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol. 2v–3r: "Gotteslössterungs Straffen. Ob mann Zwar in fertigem Vmbrith diese beambte mit den Gottslässterungs straffen, austruckhlich auf die *Mandata* gewisen, So hat mann doch an heur wahrnemmen müessen, das khein einiger fahl mit der Schanndtsaül gepiesst: dahero den beambten solches verwisen, vnnd fertiger beuelch mit mehrerm ernnst *repetiert* worden." This report pertains to the Pflege Trosburg.

[39] Ibid., 159v: "Anno. 1634. Fol. 289. ist Wolf Mänhardt Crammer ain tag mit wasser vnd Proth auf dem Thurm, der vrsachen halber abgestrafft worden, Weill er nacher Rietenburg, alda die *Jnfections*sucht *grassiert* hat, vngescheicht sich begeben, Zumallen aber diese Straff nit allain Zugring, sonder auch sich gebirt hete, Jne Manhardt bey dem Marckht, Will er die gefehrliche *Jnfection* leichtlich zuruckh vnd daselbst hinbringen khinden, khaines wegs widerumb ein: sonder denne biß Er die *Quarantanæ* ausser dem Marckht, an ainem absonderlichen orth verricht, auf seinen vncossten, in ansechung seines muettwillig vnd bei leib vnd Lebens straff verbottnen außllauffens, verwachten Zlassen."

social control. Importantly, he asked not so much for harsher than for adequate punishment. The punishment should fit the crime. In many cases, this doubtlessly led to a stricter sentencing since Maximilian viewed many actions, particularly those involving sexual misconduct and blasphemy, with little indulgence. For a fair number of local authorities, however, such behavior presumably reflected simply a traditional way of life and not a deliberate assault on God and morality.

Still, the sovereign did not call for blanket sentencing. Rather, disciplinary measures ought to be tailored to the crime, and everyone should not receive the same penalty.[40] Burghausen's *Rentmeister* reproved the administrators of the district Cling for their indiscriminate punishing of drunkenness:

> It has happened that subjects—when they have one too many at a wedding, after a day's work, or at any other honest meal or get-together, but who otherwise have not misbehaved—are being picked up by the administrators and punished. (The *Rentmeister*) reminded the officers that this is unfair and that this is not the intent of the electoral order, and indicated that such subjects were not to be punished. In the case of obstinate drunkards, however, one should absolutely follow the handed-out orders.[41]

Similarly, Burghausen's *Rentmeister* rebuked the district administrator (*Pfleger*) of Mattighofen for punishing sexual offenses in two or three cases twice as severely as the electoral mandates stipulated.[42] Such eager administrators were certainly the exception; nevertheless, the occurrence illustrates that Maximilian was interested in appropriate—or, what he would consider, just—punishment, not in harsh penalties. He wanted to send a message to his subjects, not bring them to their knees. This is also demonstrated by the fact that the same eager officers were reproached for punishing blasphemers with imprisonment rather than the pillory.[43] Part of this reprimand was no doubt directed against local authorities following their own course of justice rather than the electoral mandates. But, to Maximilian, these officers also did not have an understanding of the larger political, social, and religious issues at stake and typically governed with an eye toward local interests and traditional practices. Whether justified or not, Maximilian believed that

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[40] Ibid., fol. 33r; Pflege Mörmosen.
[41] Ibid., fol. 15v.
[42] Ibid., fol. 92v.
[43] Ibid.

this kind of local justice and leadership contributed significantly to the problem of disorder in his territory.

The matter of good leadership constitutes another essential concern in Maximilian's program. It is evident that the administrators at the middle and lower levels of government were just as much a target of the sovereign's disciplining efforts as were the commoners. Indeed, Maximilian blamed the local administrators for failing to establish good discipline more often than the people. Underlying this outlook was his understanding that the common people could not but fail if they were left to themselves or with bad guidance. Good governors provided signposts and excellent examples for the confused multitude to follow. In turn, Maximilian and the central authorities guided the lower-ranked authorities via mandates and ordinances. However, this chain of command and guidance rarely worked. The *Rentmeister* protested the tardy distribution of general electoral orders and their lacking implementation.[44] Then again, how could one expect Christian behavior from the populace, if its rulers were negligent: "One has also observed that the citizenry (of the market town Riettenburg) does not diligently attend church on important holidays nor give alms any longer, which is a result of the burgomaster and council themselves being somewhat remiss."[45]

Maxilimilian and the central authorities saw a direct link between poor leadership and the bad state of a community. In the market town Geisenfeld,

> the local economy (*Polizei*) and the civic common weal have made very little progress. It has turned out that the burgomaster and the council are chiefly at fault here because they manage said economy and common weal badly, or because they do not exercise their governmental

[44] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124, Umrittsprotokoll des Rentamts München (1636), fol. 44r–v (Pflegegericht Abensberg): "Nit weniger halte sich Gerichtschreiber auch in deme vnfleißig, wann gleich Churfürstl: *Generalia* außgeferttigt: selbige aber von Jme den Hofmarchs Jnhabern, vnd anderer gehöriger orthen, wie sich gebirth, nit alsobalden *notificiert*, sonder auf die Lange banckh gelegt werden. Pflegsverwalter *dissimulierts*, vnd lasst es also vngeandet verbleiben, Dahero eruolgt, das dergleichen Churfürtl: *Mandata* gar nit, oder aber gar vnzeittig *exequiert* werden,… wofern Sye sich nit verbesßern, sondern weittere farlessigkheit gebrauchen, Sie nichten anders, alß churfürstl: vngnad, Straff, (added in the margins: *restitution*) vnd *amotion* Zugewartten haben solle…."

[45] Ibid., fol. 155r–v.

> office. Instead they only concern themselves with their private affairs and neglect everything else.[46]

On the other hand, in the burgomaster and council of the market town Trosburg, the *Rentmeister* found "fine and well qualified people who kept a good eye on the local economy. Thus the bakers, brewers, butchers, and other artisans are under close observation and are held to act responsibly."[47] The kind of local leadership that had established itself could make or break a community. It could lead to economic prosperity, fairness, and justice as well as to pious and socially commendable living; or it could ruin a place.

An important element of Maximilian's program of social control was precisely to establish justice and fairness. When Munich's *Rentmeister* visited the district Mainburg, he found its local economy (*Pollicey wesen*) in a dismal state due to the destruction of the war: "Since the people first have to get settled again at home, the control of weights and measures, of beer, bread, and meat has not been kept up." He admonished the *Pfleger* to recommence the monitoring of the economy's standards "so that the common poor man gets his money's worth."[48]

Maximilian saw himself as the guardian of the commoners' interests and the guarantor that they could make a fair living. He did not trust the local authorities always to have the well being of their subjects at heart. If officers were corrupt and duped the citizens,[49] people's only hope was their sovereign. A case in point was the market town Mainburg. Its local economy was in total disarray, "which is probably due to the fact that several of the councilors are butchers, bakers, and shop keepers, who only look out for their own private gain and advantage

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[46] Ibid., fol. 323r.

[47] Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol. 7r.

[48] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124, Umrittsprotokoll des Rentamts München (1636), fol. 8r–v: "Das Pollicey wesen ist wegen der fürgangnen Khriegsleiffe, ausgestandner grosser *ruin*: gestorben, Verdorben, vnd vmbkhumener vnderthonnen, ganz Zu grundt gangen, wie dann die Eich, Ellen, gewicht vnd maß. Büer, brott, vnd fleisch geschau, Zumahlen sich die Leith allererst bei hauß widerumb anrichten thuen, biß dato nitgehalten, wenig *visidiert* worden, (*Pfleger was admonished to take it up again*) damit dem gemainen Armen Mann, sein Pfennig vergolten werde, in allweeg aber dahin Zusechen, auf das die Mezger, Bäckhen, vnd Preuen, sich nit gleich anfangs, wie man sonsten Zuthuen Pflegt, der übermesßigen aigenuzigkheit gebrauchen thüen, auf welchen fahl, Er Pfleger nit allain die abstellung verfiegen, sonder auch gegen den übertrettern, *exemplarische* ernstliche Straff vornemmen solle."

[49] Ibid., fol. 227r–29v.

and do not ask about the recovery of the common man and market. Therefore, everyone acts according to his will, which, however, is very damaging and burdensome to the common man."[50] If brewers and bakers overcharged their customers or sold them deficient products, and the local authorities let these abuses go unpunished, then the commoners were the losers. Although the market town Uttendorf had good officers, they were admonished to punish more severely offenses against the *Pollizey*, "since the poor man, and not the artisans, suffered through the selling of bad bread, beer, and other wares…"[51]

The *gute Pollizey* concerned not only the functioning of the local economy but all matters that pertained to the well being of a community, including its religious observance and officers. Exploitation at the hand of the clergy was thus rebuked as harshly as that of the artisans.[52] Even though the *Rentmeister* found the minister of Gögging to be "exemplary and diligent," he had heard reports that the minister ask too much of the poor people for his services. The Pfleger was to keep a close watch on him and follow up any complaints. Moreover, the Pfleger should inform the people "what they owe for particular services according to the electoral order (*Pollicey*). Should this measure not be successful, the *ordinario* was to be informed to remedy the situation so that "it would not be allowed that the poor subjects are inordinately burdened…"[53] During times of the plague, some ministers did not only overcharge their parishioners but refused to serve them entirely if they could not pay in advance.[54] Intriguingly, the sovereign, who was known for his stern opposition to sexual misconduct and perhaps excessive insistence on moral behavior, stepped in against over-eager clergy: "As the ministers dare to charge for the baptism of illegitimate children one Gulden more than for that of legitimate ones—kind of as

[50] Ibid., fol. 10r. See also fol. 359, Markt Hohenwart.

[51] Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol. 102r.

[52] Bayrisches Hauptstaatsarchiv München, Nachlaß Lori 84/12, Urkunden zum bayrischen Kirchenrecht, fol. 185r–v, An die Vicarien und geistlichen Räte zu Freising (1 August 1646).

[53] Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol. 51r.

[54] Archiv des Erzbistums München und Freising, Realia VN 351, Ordinariat: Generalvikar, Verschiedene Verfügungen gegen ansteckende Krankheiten betr. Bistum Freising, 1625ff., fol. 39r: Carol Fugger, Vizdomb zu Kirchberg und Weissenhorn, und andere kurfürstliche Räte der Regierung Landshut an Bischof Veit Adam (7 September 1648).

a punishment—we order every officer and authority to pay attention, and where they learn of such excesses, to get rid of them immediately or to report them to us."[55]

Maximilian was not interested in promoting social mobility but in enabling a decent life according to one's station. For example, when, due to the dearth of manual workers, the day laborers were demanding higher pay during the war and doing financially better than those of higher social rank, the central authorities intervened. Their concern was for the strain on the local economy when day laborers began to demand outrageous pay. But there was also a clear message that everyone had his station; and that it would be unfair to the citizens if laborers began to capitalize on the war and buy up farms and houses to the detriment of their "betters" who were hit by the war.[56]

Nevertheless, certain situations demanded that the burden be carried by everyone equally, as when contributions to the building of trenches or the quartering of soldiers became necessary.[57] While the parity stipulated here was still always meant as a "*proportionierte* gleichheit,"[58] disciplined behavior was expected of all. One's birth or rank were no excuse for special exemptions from sumptuary laws, religious observance, and sexual propriety.

In conclusion, Maximilian continues to amaze as a sovereign who gave hands-on politics a whole new meaning. Most of the pronouncements that left his central administrations show his hand-written comments in the margins. His energy to involve himself in every aspect of

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[55] Bayrisches Hauptstaatsarchiv München, Nachlaß Lori 84/12, Urkunden zum bayrischen Kirchenrecht, fol. 161r (1 June 1644).

[56] Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol. 273r: (*in the margins* "Die Taglöhner wöllen sich mit khainem gebürlichen Lohn bemegen lassen, vnd würdet ihnen von dem Rath alles übersechen.) "Den Taglöhnern alda im Marckht, welcher die arme Burgerschaft vnd andere Zur arbeith vonnöthen, würdet ebenmessig alZuuil übersechen, Wardurch die Leith im Taglohn /: Welches Sie Jnnen selbst machen :/ sehr beschwerdt werden, wie dann eben erstgedachte Tagwercher, sich märckhlich bereichen, Äckher vnd heüssern khauffen, andere Ehrliche burger aber, die in bessern Standt sein sollen, alles verkhauffen miessen, Welches dann dennen von Rath verwisen vnd benebens geschafft worden, ein neue Tagwercher ordnung mit vorwissen des Churfrl: Pflegers Zumachen…" See also Staatsarchiv München, Rentmeisteramt Burghausen, B 13, Protokoll über das Rentmeisterische Umreiten im Rentamt Burghausen (1640), fol.65r–v.

[57] Staatsarchiv München, Rentmeister-Literalien, Fasz. 33, 124, Umrittsprotokoll des Rentamts München (1636), fol. 255v–56r; Stadtarchiv München, Ratssitzungsprotokolle (Unterrichterserie) 248, fol. 244v (22 July 1633).

[58] Ibid.

the government seems endless; so does his devotion to the Catholic faith and his desire to establish a pious, morally disciplined, and economically prospering society. Education, both religious and secular, was important in this endeavor. Furthermore, Maximilian regarded exemplary leadership as essential for the realization of his program since the common people were helpless without it. But here Maximilian found the bane of his existence. Many times he identified local authorities as the greatest obstacle to his efforts: their listless government, indifference to his orders, and often selfish pursuits frequently squashed any hope for the spiritual and economic growth of a community. And, significantly, bad leadership thwarted another crucial part of his initiative, the establishment of fair standards of trade and justice for the populace. Indeed, Maximilian's concern for social justice and fairness emerge as an essential and integral part of his disciplining program. As a savvy ruler, he knew that content subjects were the best investment toward a thriving economy. But his interest in assuring a just environment for his subjects transcended economic concerns as well as the customary assertions of a ruler. They were fed by Maximilian's deep religiosity, by his inordinate sense of duty toward his subjects, and, importantly, by his profound sense that he was the only reliable advocate for their rights.

NACHBARN AND *VOISINS*: CHANGING POLITICAL RELATIONS IN THE UPPER RHINE VALLEY IN THE WAKE OF THE THIRTY YEARS' WAR[1]

Peter G. Wallace

In late December 1652, a small army of perhaps 5,000 men under the banner of Charles IV duke of Lorraine decamped from its base in the Palatinate and marched southward upriver into Alsace.[2] The Lorrainers arrived in the wintry countryside of Upper Alsace and the Sundgau in mid-January. Much of this region had been ceded by the Austrian Habsburgs to France a few years earlier at the Peace of Westphalia. Charles IV, however, had not signed the peace and was still at war with France in the service of the king of Spain. French holdings in Upper Alsace and the Sundgau bordered on the cantons and allies of the Swiss Confederacy, the remaining Austrian holdings of Further Austria (*Vorderösterreich*) across the Rhine in the Breisgau, and various Imperial estates on both sides of the river. As feared by all, the hardened and underpaid Lorrainers spread a swath of violence, extortion, and pillaging in their wake.

French authorities in the region were divided and incapable of mounting significant resistance as their troops huddled behind their fortifications.[3] The cold winter drove the Lorrainers to seek food and shelter indiscriminately in the villages and small towns of Alsace no matter who claimed lordship. In a report to the magistrates of the

[1] I wish to thank Sigrun Haude for comments she has offered on drafts of this essay.

[2] The only narrative accounts of this campaign that I am aware of appear in volume six of Edouard Rott's massive study of the history of the French embassy in the Swiss confederacy. See Eduard Rott, *Histoire de la répresentation diplomatique de la France auprès des cantons suisses, de leurs alliés et de leurs confédéres* (Berne: Staempfli, 1917), VI: 252–59; and Rodolphe Reuss, *L'Alsace au dix-septième siècle au point de vue géographique, historique, administratif, économique, social, intellectuel et religieux* (Paris: Émile Bouillon, 1897), I: 187–9.

[3] Georges Livet, *L'Intendance d'Alsace de la guerre de Trente Ans à la mort du Louis XIV (1634–1715)*, 2nd ed. (Strasbourg: Presses Universitaires de Strasbourg, 1991), 127–74.

Swiss town of Mulhouse in mid-February, Johann Heinrich Mogg,[4] Obristmeister of the Alsatian Imperial city of Colmar, reported that the Lorrainers "plundered, robbed, murdered, disgraced, cudgeled, and tortured in all kinds of unheard of ways." In their search for hidden grain and hay, they had "cut off the ears and noses of many people, murdered and shot [them] dead."[5] As the occupation dragged on into early April, the repetition of atrocities left its mark on local observers. On 11 April when rumors of the Lorrainers' departure proved false and they settled into villages between Mulhouse and the Württemberg county of Montbéliard, the Mulhouse authorities vented their frustration to their allies at Basel. The Lorrainers were "as annoying as the Turks, indeed as devils themselves," having earned a reputation of such "tyranny and Godlessness" that it was only matched by the inhuman cruelty of the ancient "Goths and Huns."[6] Ten days later the Lorrainers finally decamped marching westward into Spanish Burgundy and ultimately to Paris for a brief appearance on the stage of the princes' Fronde.[7]

The passage of Charles IV's army through Alsace in the early months of 1652 exposed the workings of new political relationships among the region's estates that were a product of the treaties of Westphalia.

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[4] I have designated personal names in the language in which they would have considered their mother tongue, here Johann Heinrich Mogg instead of Jean Henri Mogg. For place names, I have used the modern linguistic designation, thus Mulhouse in place of Mülhausen.

[5] Mogg identified eight towns that the Lorrainers had occupied then noted that "mit Plündern, Rauben…ermordern, schänden, Prüglen und Peynigen, auff allerley unerhörte Weyse…dann solche auch viel personen neben ohren und Nasen abschneyden, ermordet und todt gechossen haben." Staatsarchiv der Kanton Basel Stadt [henceforth StABS], Politisches V1, Krieg der Fronde, 40–1. Claire Gantet cautions modern readers about the veracity of such claims, see Claire Gantet, *La paix de Westphalie (1648): Une histoire sociale, XVII^e–XVIII^e siècles* (Paris: Belin, 2001), 97–126.

[6] The letter begins: "ob wohlen nun etlich tag einhero von deren dieser Landen eingebrochenen hohschädlichen Lotringischen Volckern, delogment underschiedlich gesprochen worden, daß Jedoch solches noch zur Zeyt nicht ervolgen, viel wenigers darzu eyniche Apparentz haben will. Sie ligen annoch Jn deren Alten Quartieren negst umb unsere Statt biß gegen Mümpelgart, und hausen nach Jhrer verfluchten Gewohnheÿt ärger als Türcken, Ja die Teüfel selbsten, gestalten Sie Jn undern Mittlern un Obern Elsaß solche Kennzeichen Jhrer ohnerhörtern Tÿranney und Gottlösigkheyt hinderlaßen werden, daß Sie auch die alte Gothen und Hunnen, ane ohn Menschlicher Gravsamkeit übertroffen zu haben sich kecklich rühmen mögen." StABS, Politische V1, Krieg der Fronde 1651–1654, 139–40, here at 140.

[7] On their departure see, ibid., 32; on the role of the Lorrainer troops in the Fronde, see Michel Pernot, *La Fronde* (Paris, 1994), 291–7; and Orest Ranum, *The Fronde: A French Revolution 1648–1652* (New York, 1993), 324.

I will limit my focus to two of these: the fragile base of French power in what remained Imperial Alsace and the newly defined commitment to armed neutrality and mutual defense embraced by the Swiss Confederation. The 'invasion of the Lorrainers' would challenge Swiss neutrality and their defense network, and they would meet the challenge. On the other hand, the French failed and were fortunate to retain their newly ceded lands. I will consider these questions from the perspective of the civic leaders at Mulhouse and Basel, by examining their correspondence with various Upper Rhenish and Swiss estates during the critical months. Before that, however, I will briefly discuss the historical debates addressed by this research and provide some background on the region's politics at the end of the Thirty Years' War. I will then examine the correspondence during the critical months and offer some concluding analytical comments.

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The Peace of Westphalia ended thirty years of warfare that had ravaged much of Europe, redefined confessional and constitutional relations within the Holy Roman Empire, and redrew political boundaries.[8] The Upper Rhine valley was among the regions of the Empire that saw the most dramatic changes. Armies had devastated Alsace and the Breisgau in the late 1630s, and at war's end the region's villages and towns remained depopulated with much of their economic infrastructure in ruins. Except for the lands of the bishop of Basel, an associate (zugewandter Ort) of the Swiss Confederacy, the Swiss lands in the

[8] The recent literature stimulated by the 350th anniversary of the peace treaty is extensive. For a small sample you may consult, Stéphane Beaulac, *The Power of Language in the Making of International Law: The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia* (Leiden & Boston: Martinus Nijhoff, 2004), esp. 67–97; Lucien Bély and Isabelle Richefort, ed., *L'Europe des traités de Westphalie: Esprit de la diplomatie et diplomatie de l'esprit* (Paris: Presses Universitaires de France, 2000); Heinz Duchhardt, ed., *Der Westfälische Friede: Diplomatie—politische Zäsur—kulturelles Umfeld—Rezeptionsgeschichte* (Munich: R. Oldenbourg, 1998), which is a special collection of essays for *Historische Zeitschrift*; Marco Jorio, ed., *1648: Die Schweiz und Europa: Aussenpolitik zur Zeit des Westfälischen Friedens* (Zurich: Chronos, 1999); Jean Pierre Kientz and Georges Livet, ed., *350e anniversaire des Traités de Westphalie: Une genèse de l'Europe, une société à reconstruire* (Strasbourg: Presses Universitaires de Strasbourg, 1999); and the massive three volume collection of essays edited by Klaus Bussman and Heinz Schilling for the European Council, *1648: War and Peace in Europe* (Münster and Osnabruck: Veranstaltungsgesellschaft, 1999).

valley had remained unscathed.[9] The treaty's recognition of French lordship over the former Austrian holdings in Upper Alsace represented the most dramatic political change. There were two perspectives on what the treaty had granted France. They have roots in the 1650s, but they remain debated to this day. In a recent work Derek Croxton favors Mazarin's interpretation, noting that, "Mazarin's understanding was that the treaty *did* [emphasis Croxton] give France Alsace." Croxton recognizes that Mazarin understood that what the crown now held in Alsace was simply the Habsburgs' former rights; however, he challenges the numerous historians who have sought to limit French territorial claims to the Sundgau, by noting "the treaty clearly grants France the Sundgau, *in addition to* [emphasis Croxton], not instead of, Alsace."[10]

This territorial understanding hinges on the two imperial offices, the Landgraves of Lower and of Upper Alsace. Christian Ohler has argued that the Austrian negotiator, Isaac Volmar, had brought these titles into the negotiations because these were not territories, but rather positions of mediation between the emperor and local estates.[11] The Landgraviat of Lower Alsace had no territorial history, and though the bulk of Upper Alsace, including the Sundgau, had been Austrian lordships that now fell under French sovereignty, the region was peppered with Imperial cities along with the territories of religious and secular lords who had never answered to a Landgrave. The diverse interpretations would be resolved by Louis XIV's (re)conquest of Alsace during the Dutch War in 1673.

I would favor Ohler's perspective. In 1648 the young Louis XIV could only claim sovereignty over the bundle of Habsburg lordships in Upper Alsace and the Sundgau and over the great fortress at Breisach across the Rhine. Furthermore, French Alsace was an exclave separated from the interior of the kingdom by Spanish and Lorrainer territory, both of whom were still at war with France. Nevertheless, it could be possible to assert royal sovereignty if the king's agents could act in concert, but in the years following the Peace of Westphalia they could not.[12]

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[9] Robert Stritmatter, *Die Stadt Basel während des Dreissigjährigen Kreiges* (Bern: Peter Lang, 1977).

[10] Derek Croxton, *Peacemaking in Early Modern Europe: Cardinal Mazarin and the Congress of Westphalia, 1643–1648* (London: Associated University Presses, 1999), 262.

[11] Christian Ohler, *Zwischen Frankreich und dem Reich: Die elsässische Dekapolis nach dem Westfälischen Freiden* (Frankfurt/Main: Peter Lang, 2002), 48–55, here 49.

[12] Livet, *L'Intendance*, 114–24. Peter G. Wallace, *Communities and Conflict in Early Modern Colmar: 1575–1730* (Atlantic Highlands: Humanities Press, 1995), 97–106.

The power struggles that plagued Louis XIV's regency, known as the Frondes, had limited royal authority in Alsace even before the Peace of Westphalia took effect on 24 October 1648. On 22 October 1648 the regents, led by Anne of Austria and Mazarin, had agreed to a package of reforms advocated by the *Parlement* of Paris including the abolition of the *intendants*. As Alsace was not yet French on 22 October, it retained its intendant, Philbert de Baussan. The Frondes dragged on through 1649 and then deepened in early 1650, when the Regency found itself at odds the king's cousin, the prince de Condé, and what had been a legal struggle soon deteriorated into civil war. By November of 1651, Condé had signed an accord with Spain, while Mazarin, who had spent nearly all of 1651 in exile, finally returned to France with an army in mid December. During the first months of 1652, Condé and the Frondeurs held Paris, which was under loose siege by forces loyal to Mazarin and Louis XIV. The young king had finally reached his majority and ruled in his own right, so the Frondeurs found themselves in open rebellion with their king.[13]

The confusion in the interior of the kingdom had its repercussions in French Alsace. The intendant, Baussan, was a nephew of Michel Le Tellier, a loyal client of Mazarin, and Mazarin himself had considered passing his exile at Breisach.[14] Baussan, however, had quit Alsace in 1649 to serve with French armies in the Low Countries.[15] He left behind a small staff headed unofficially by Claude Domilliers at Colmar.[16] At Breisach the recent death of its governor, the Bernese war-captain Johann Ludwig von Erlach, left its garrison of mercenaries under the command of an ambitious royal lieutenant, Pierre de Charlevoix. Concerns about his loyalty had already convinced Mazarin of the need to appoint a replacement, and in early January the widow of the maréchal de Guebriant, former commander of both the garrison and Charlevoix, had been commissioned by Mazarin to convince the troops at Breisach to accept a new commander.[17] At the small Alsatian town of Ensisheim, site of the former Austrian government, von Erlach had earlier established his own commissioners, who claimed

[13] For a brief yet helpful introduction to the events, see David J. Sturdy, *Richelieu and Mazarin: A Study in Statesmanship* (New York: Palgrave, 2004), 107–26.

[14] On Baussan, see Rott, *Histoire*, 894; and on Mazarin's plans see Reuss, *L'Alsace*, 183–4.

[15] Livet, *L'Intendance*, 170.

[16] Ibid., 142.

[17] Reuss, *L'Alsace*, I: 185–6.

rights of jurisprudence, administration, and tax collection comparable to Domilliers. They were defended by a small garrison of Brandenburg mercenaries headed by major-general Reinhard von Rosen, who had served the Swedes, Bernard of Saxe-Weimar, and then Turenne, under whom he had been imprisoned for mutiny and only recently repatriated by Mazarin, to whom he now owed allegiance.[18] This volatile mix of personalities, backgrounds, and ambition comprised the royal government in Alsace four years into the era of French sovereignty.

The Treaty of Westphalia had also had an impact on Swiss Confederation. Though the Swiss had not participated in the wars as active belligerents, different configurations of cantons had alliances with Austria, Spain, and France and had provided troops on a number of fronts. The thirteen core *Orte* or cantons met annually at a federal *Tagsatzung* to discuss common concerns, but beyond this there was little centralized infrastructure. The core cantons were divided into Catholic and Reformed camps, each with their own assemblies meeting as confessional caucuses, the Catholics at Luzern and the Reformed at Aarau. Switzerland also included dependent territories controlled by individual cantons or others jointly ruled by various combinations. Finally there were allied districts, (*zugewandte Orte*), comprising lords like the prince-bishop of Basel or cities like Mulhouse, connected with some or all of the core cantons.

During the peace negotiations in Westphalia, Johann Rudolf Wettstein, Basel's *Oberstzunftmeister*, managed with French assistance to negotiate legal separation from Imperial courts for Basel along with the rest of the Swiss confederates.[19] This final break made the core cantons sovereign states, but for their allies the picture was much more complicated. The prince-bishop of Basel remained an Imperial prince, and the northern half of his principality, the lands in the Jura and the valleys that drained into the Rhine, remained Imperial lands until the French Revolution.[20] For the small Alsatian city of Mulhouse, whose alliance was only recognized by the Protestant cantons, a loss of Imperial legal ties and limited affiliation with the Confederation raised

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[18] On von Rosen, see Rott, *Histoire*, 974.

[19] Peter Stadler, "Der Westfälische Friede und die Eidgenossenschaft" in *1648 Die Schweiz und Europa*, 57–72; on Wettstein's life, see *Wettstein—die Schweiz und Europa*, edited by the Historisches Museum Basel (Basel, 1998), 21–29.

[20] Marco Jurio, "Der Nexus Imperii—die Eidgenossenschaft und das Reich nach 1648," in *1648: Die Schweiz und Europa*, 133–146, see the map on 139.

questions about its future security and political identity.[21] As the Thirty Years' War was ending the Swiss Confederates had signed a *Defensionale* at Wil in 1647, which promised mutual military aid at personal expense for members whose territories were threatened by military force and a commitment to neutrality, which prohibited passage of foreign troops through Swiss territories or provisioning of one or another warring party camped at the frontiers of the "Fatherland."[22] The arrival of the troops of the duke of Lorraine in early 1652 would test the fabric of French authority and the Confederates commitment to neutrality and mutual defense, and to that I now turn.

2

On 29 December 1651, duke of Lorraine's forces under the command of the Imperial baron Claude-Henri de Fauge entered Lower Alsace in the neighborhood of Hanau and reports from that member of the Decapolis plugged into the various news networks working their way upriver to Colmar, Mulhouse and Basel.[23] The regional officials including the French were unsure of de Fauge's intentions, though he stated that his troops were "friends of France."[24] It was an odd claim from soldiers loyal to a prince still at war with France; while in the first days of 1652, though everyone recognized the young Louis XIV as king, it remained unclear whether the prince de Condé, the jurists of the Parlement of Paris, or Mazarin represented the interests of 'France.' Many suspected that the Lorrainers were operating with Mazarin's support.[25] For the peasants in the open Alsatian countryside

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[21] *Historie de Mulhouse dès origines à nos jours*, directed by Georges Livet and Raymond Oberlé (Strasbourg, 1977), 107–08; and Raymond Oberlé, "Le *zugewandter Ort* Mulhouse: amitié, assistance, et fidélité." in Wolfgang Kaiser, Claudius Sieber-Lehmann and Christian Windler, ed., *Eidgenössiche "Grenzfälle": Mülhausen und Genf—En marge de la Confédération: Mulhouse et Genève* (Basel, 2001), 59–100, here at 72–3.

[22] Jürg Stüssi-Lauterburg, "Das Defensionale von Wil (1647)—eine Etappe schwiezerischer Staatswerdung," in *1648 Die Schweiz und Europe*, 163–71.

[23] Rott, *Histoire*, 253; Basel received its first report from Mulhouse on 20 [30] December. Both cities still observed the Julian calendar. The sighting of Lorrainer cavalry had occurred near Landau. StABS, Politisches V1, Krieg der Fronde 1651–1654, 8 and 14–16. Colmar on the other hand received information from other members of the Decapolis in Lower Alsace filtered through Sélestat on the border between Lower and Upper Alsace. Archives Municipales de Colmar [henceforth AMC], EE 115, 13–17.

[24] Rott, *Histoire*, 253.

[25] Ibid.

and for regional officials, the motivation for the Lorrainers' campaign was less critical than their anticipated path.[26] The French ambassador to the Swiss confederates at Solothurn, Jean de la Barde, suspected the duke's goal was the strategic fortress at Breisach and that he might be acting in the interests of the Austrian Habsburgs who coveted their concession of it at the peace treaty.[27]

No one doubted that the fortress was the keystone for secure power in the Upper Rhine valley.[28] On 2 January 1652, Mulhouse's magistrates reported to Basel that French officials had proposed an assembly of the neighboring estates to gather at Colmar as had been done in the past under the old Further Austrian Regime (Vorderösterreichische Regierung).[29] To affirm their city's Swiss identity, the Mulhousiens did not send representatives, nor did Basel. The longstanding alliance between the Confederation and France had been in abeyance since 14 May of 1651, and participation at the gathering would have undermined Basel and Mulhouse's Swiss neutrality.[30] In the meantime Charlevoix and von Rosen sought to secure the principal fortified sites in French Alsace: Huningue near the gates of Basel with three companies, Thann with two, and von Rosen's headquarters at Ensisheim with two companies. The various Imperial cities and estates in Upper Alsace were left to their own devices. Across the Rhine at Breisach, Charlevoix with nineteen companies remained behind the safe walls.[31]

Officials in Mulhouse grew deeply concerned and on 4 January 1652 initiated a call for military assistance from their Swiss allies under the terms of the *Defensionale*.[32] Three days later, Basel's Small Council

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[26] Mulhouse forwarded a copy of a letter from Riquewihr dated 21/31 December that noted "so viel obangeregte Lothringische Völcker anlangt, haben wir uns biß daher möglich lassen angelegen sein, die gewißheit von deren *Intent* und manches zu erkhundigen." A rumored statement from general von Rosen suggested they were destined for the Sundgau. StABS, Politisches V1, Krieg der Fronde 1651–1654, 12.

[27] Rott, *Histoire*, 254.

[28] Reuss, *L'Alsace*, I: 185–6.

[29] StABS, Politisches V1, Kriege der Fronde, 1651–1654, 9–11, here 10.

[30] Rott, *Histoire*, 259.

[31] On the military strengths, see Reuss, *L'Alsace*, I: 183. On the flight of the peasants, see StABS, Politisches V1, Kriege der Fronde, 1651–1654, 5–6.

[32] "Wann dann wie gehört, wann diese anziehenden Völckher halben zwar noch keine Gewißheit, so haben Wir gleichwohlen mit Bestell und vorstärckhung Fleÿßiger Hutten und Wachten die best [6] möglichste Vorsehung gethan, An E.G. aber ist und gelangt hiemit unser freünd Eÿdgenossisches Pitten undersuchen, die wollen zum Fahl dieses Lothringische Kriegsvolckh Jeh dieser landen nahen und darinnen Quartier

forwarded the request to the three leading Protestant cantons, the only cantons to recognize Mulhouse as an ally—Bern, Zurich, and Schaffhausen—and ordered preparations for civic defense.[33] Zurich and Bern replied the following day to the reports of foreign troops quartering near the "confederate borders" with the promise of "confederate neighborly" assistance as would be reciprocated by Mulhouse if they were in need.[34] These were the first of what would be a stream of letters back and forth sharing news, seeking advice and ultimately coordinating military assistance.

Throughout southern Alsace peasants were loading their belongings, livestock and grain stores into wagons to seek safety behind city walls. As it had during the Thirty Years' War, Basel opened its gates to hundreds of Catholic refugees who for the most part were tenants on properties held by the city's religious corporations and elites in villages of the Sundgau now under French lordship.[35] Charlevoix ordered the French troops at Huningue, which guarded the entry into Basel's territory on the main road from the Sundgau, to prevent the passage of grain belonging to the king's subjects from the king's lands. Their confiscations triggered complaints from Basel's Small Council, which claimed that the grain belonged to farms owned by Basel's subjects.[36] In the end the confiscations ceased as Charlevoix would later negotiate for access to the grain of the king's subjects stored safely with the refugees in Basel.

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nemmen solte, Neben übrigen mit uns verbündten, Evangelischen Loblichen Orten auff uns und Gemeine unser Statt. Ein Getrew Eÿdgnoßisches auffsehen haben, und auff hervorbrachenden Notfahl uns mit Rath und That allermaßen biß hero beÿ der gleichen gefährlichen Begebenheÿten gantz ruhmlichen und su Immerwehrenden danckh beschehen." StABS, Politisches V1, Kriege der Fronde, 1651–1654, 5–6.

[33] StABS, Protokolle Kleiner Rat, 38, 1650 Januar 5 1651 Dezember 31, 27 December 1651, fol. 406r.

[34] They noted the report from Mulhouse via Basel of the Lorrainer movement and "*consequenter* den Eidtgnössischen grëntzen nehere und unfehr quatier nemmen werde." They city had discussed the situation and "So wollend wir üch hiemit versicheren daß es hierunder unßer sÿths, an solcher Eidtgnössischer Nachbarkeit und Im fahl der noth an getrüwene tapferm bÿsprung nit solle erwinden, Als Ihr uns dann Jederwÿln, aller fürfallenden nothurff berichten könnend." StABS, Politisches V1, Kriege der Fronde, 1651–1654, 277. For Bern see ibid., 280.

[35] For conditions during the Thirty Years' War see, Stritmatter, *Die Stadt Basel während des Dreissigjähringen Krieges*, esp. 61–78.

[36] StABS, Politisches V1, Krieg der Fronde 1651–1654, 201. This is the original letter from Charlevois to Burgermeister and Rath of Basel dated 13 January 1652. There is a German translation found in ibid., 137–8.

On 14 January 1652 Charlevoix invited Basel's officials to send troops to join their "neighbors" in defending the region from the Lorrainers.[37] Basel's officials now consulted with other cantons, both Catholic and Protestant, but opted to withhold their troops in order to preserve neutrality. Looking to safeguard its own territory, for the city's walls literally bordered French Alsace, the Small Council assigned commanders for each neighborhood and prepared to defend the city.[38] Meanwhile Charlevoix and von Rosen hastily constructed defensive works near Bergheim at the Landgraben, a natural depression that separates Upper from Lower Alsace, and von Rosen assembled 2000 men from his forces and local militias to man them.[39] On 25 January 1652 after a brief skirmish with the Lorrainers, von Rosen's forces broke, streaming southward to fortified Ensisheim. Mulhouse now formally requested military assistance from the Protestant cantons,[40] and Bern and Zurich dispatched a company of 100 men each.[41] Basel provided these troops with safe passage through the canton, supplies, and a military escort

[37] "Je vous en ay voulu Messieurs donner advis affin que vous sçachiez le sujet, qui nous oblige d'assembler le plus de monde qu'il se pourra des terres de l'obeissance du Roy á ce dessein, et pour sçavoir s'il ne vous plairoit pas comme bons voisins, vous joindre á nous pour la deffense commune du pays envers les Ennemys, qui n'en cherchent jndifferemment que la Ruine totale." StABS, Politisches V1, Krieg der Fronde 1651–1654, 134. German translation, ibid., 136.

[38] StABS, Politisches V1, Krieg der Fronde 1651–1654, 131, advice to withhold troops from Soluthurn, and ibid., 65 from the Bishop of Basel. See also StABS, Protokolle Kleiner Rat, 39, 1652 Januar 3–1653 Dezember 31, 3 January 1652, fol 1r–v.

[39] On 19 January Mulhouse reported that the Lorrainers had sent an embassy to Breisach seeking free passage through Alsace and into Burgundy. See StABS, Politisches V1, Krieg der Fronde 1651–1654, 117. On the defensive arrangements, see ibid., 153–6.

[40] The event was detailed in a letter sent to Basel from Mulhouse on 27 January 1652. Mulhouse's officials then pleaded "die weÿln nun die Sachen also gestaltet, und Jeh länger und Jeh gefährlicher sich ansehen lassen, Als ersuchen E.G. Wir hiemitt Freünd-Eidgnössisch, die geruhen neben ubrigen Loblichen Evangel: Orten uns mit eylender würckhlicher hilff ggl. beÿzuspringen sintemahlen beÿ disem verwirrten Wesen und untrewen Zeiten eben gar Niemanden zutrewen, under dessen wollen wir vermettelst herrn Hauptman Krugen :/: dessen zusendung wir uns freünd-Eydgnossisch bedancken :/: die Anstalt machen, daß wir ob Gott Will vor schnellen Feindlichem Einfall gesichert seÿen." StABS, Politisches V1, Krieg der Fronde 1651–1654, 186. See also Rott, *Histoire*, 254.

[41] Basel requested help from Protestant and Catholic cantons with positive responses from Zurich, Bern, and Schaffhausen. StABS, Politisches V1, Krieg der Fronde 1651–1654, Zurich 194, Bern 30, Schafhausen 197. Among the Catholics Solothurn merely acknowledged receipt of the request, ibid., 29; while the bishop of Basel suggested that each canton look to their own defenses, ibid., 185. On the dispatch of the Bernese company, see ibid., 181. On Zurich's troops, see ibid., 21.

across undefended French territory to Mulhouse.[42] Behind Mulhouse's medieval walls, its allies' token troops could only serve as a deterrent with the understanding that an attack by the Lorrainers would eventually bring the whole of Swiss might against them.

Meanwhile the Lorrainers occupied the small fortified towns in the foothills of the Vosges: Ribeauvillé, Erstein, Munster, Rouffach, Kaysersberg, Turckheim, Riquewihr, and Kientzheim.[43] None of these communities were under French lordship. It was mid-winter and if, as believed, the Lorrainer army counted nearly 5,000 men, when camped together, they represented the third largest city in valley behind Strasbourg and Basel. They needed shelter and provisions, and when these were not offered freely, as noted above, they could be taken by force.[44] Extortion, nevertheless, had its limits, and ultimately to sustain their winter quarters, the Lorrainers would need to purchase grain from the Swiss. This had been the pattern for all parties during the Thirty Years' War, but the *Defensionale* prohibited Basel and Mulhouse's participation the practice. On 9 February, Charlevoix wrote a letter to Basel's Small Council asking them to resist selling provisions to the Lorrainers. "It would only prolong significantly [the Lorrainers'] stay in this land." Based on "the great affection that you have for the service of the king and the preservation of neighborliness" he also requested Basel's officials to prohibit their subjects from furnishing food or money to the Lorrainers so that they would move on elsewhere. This would be a service for which "the entire province" would be indebted. He also asked them to ensure that the Sundgauer peasants sheltered behind Basel's walls also not treat with the "enemy."[45]

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[42] The winter made the passage difficult, and Zurich's contingent chose to take Basel's boats down the Rhine to Krembs, where a contingent of Mulhouse's civic guard met them. Ibid., 84 and 88.

[43] StABS, Politisches V1, Krieg der Fronde 1651–1654, 85, 87, 157. Johann Heinrich Mogg detailed their brutal treatment of the locals. Ibid., 40–41.

[44] A French official at Thann informed the regime at Mulhouse that the Lorrainers "entweder im güte oder *per force* Proviant begeren sollen." Ibid., 120.

[45] In a letter dated 9 February 1652 Charlevois noted that you [Basel's Small Council] are aware already gentlemen of the march of the army of Lorraine and how it has advanced into the Sundgau from where "we" have retired "pour oster les moyens de subsistance a l'Ennemy." But as we believe that they will find nothing there, "ils auront peut estre recours á la Suisse, et que de vos sujets tant de Basle que du Reste de vostre Canton, leur pourroient fournier des vivres, ce qui prolongeroit notamment leur demeure en ces pays." I am asking you very humbly gentlemen to show in this instance as you have done in all past cases, "la grande affection que vous avez pour le service du Roy et la conservation du voisonage, et de vouloir faire deffense á tous vos

As food grew scarce both the Lorrainers and Rosen's Brandenburg mercenaries scoured the countryside for provisions to weather the harsh winter. On 13 February the Lorrainers captured part of a convoy of confiscated provisions being brought to the French forces at Ensisheim from the area around Bollwiller. That afternoon they put the village of Bollwiller and the hamlet of Issenheim to the torch, severely damaging the Antonines cloister at Issenheim (though somehow the flames spared Grünewald's famous altarpiece).[46] The Lorrainers moved further south into the heart of the Sundgau, occupying the French districts of Ferrette, Altkirch, and Thann, demanding ransom for various 'prisoners' and threatening to burn all the villages unless they were paid an indemnity within four days by the local lords.[47] Mulhouse officials noted that the "barbarous" Lorrainers behaved "like Turks," a frightening thought as the Lorrainers seemed to be settling in for a long stay.[48]

French helplessness can in part be explained by a crisis in leadership at Breisach. In March 1650 Mazarin had sent the Marquis de Tilladet to replace the deceased von Erlach as governor of Breisach, but the garrison had refused to follow his orders rallying to Charlevoix.[49] On his return from exile in December 1651, Mazarin had dispatched the widow of the maréchal de Guebriant to sway the troops away from Charlevoix. Her efforts in mid-February failed; but in late March with the Lorrainers encamped in the southern Sundgau far from Breisach, she managed to lure Charlevoix from the fortress for a liaison with one of her young associates. Charlevoix was taken under arms to the

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sujets de fournier aucunes vivres, ny assistance pour de l'argent ou moins de cela, ilz ne pourront point subsister longtemps en ce pays, et qu'ilz sont tout á fait dépourveus de vivres d'ailleurs." You will consider thoroughly, gentlemen, I am assured the important service that you render in this for his majesty, and the great debt you would acquire "sur tout la province" in the name of the king and myself particularly myself. Ibid., 200. Along with the same letter sent to Mulhouse, von Rosen also asked them not to assist the "feindt." Ibid., 212–216, here at 216.

[46] Mulhouse's officials reported that after the skirmish at the wagons, "Warauff der Feind gegen den Abend umb 4. Uhr das dorff Pollweil, und den Schönen Fleckhen Eysenheimb, mit Fewr engesteckht welche bey diesem strackhen gehölffen des Windts Vosst Jn Zwo Stunden, sambt dem Kloster und Vorhooff deß Schloßes zu Eysenheimb, gantz hinweg gebrandt, Gott verhütter unndt Wehre diesem bösen Feind." Ibid., 213–4.

[47] Ibid., 148–149.

[48] "Wie erschräckhlich, barbarisch und mehr als Türchkisch die Lothringl: Jn dem Elsass hausen." Ibid., 83.

[49] Rott, *Histoire*, 275–9, and Livet, *L'Intendance*, 157.

French fortress at Philippsburg at the northern edge of Lower Alsace. In reaction his soldiers threatened mutiny; and with the Lorrainers still encamped in the Sundgau, Charlevoix was returned to Breisach and the widow Guebriant, under von Rosen's escort, escaped to Basel, where negotiations began between civic officials and various French factions for her release or imprisonment.[50]

In early March with the French authorities in Alsace engaged in a power struggle and the Lorrainers camped at the borders of Basel and the gates of Mulhouse, the Protestant cantons met at Aarau. The ambassadors had a great deal on their minds, as the peasant unrest that would devolve into a social war had begun in mid-February in Lucerne's territory. It was now generally known that the Lorrainers planned to march into Spanish Burgundy with the spring thaw, and the route would threaten other Swiss Protestant allies, such as the county of Neuchâtel, which had already contacted the Bernese for assistance.[51] With the Lorrainers still encamped in the Sundgau, Basel asked the Protestant cantons to send 400 troops to help it defend its border. Basel's urgency came from the fact that the duke of Lorraine had renewed a legal dispute brought against the city by one of his councilors, Armando Vincent, regarding the theft of a substantial amount of jewelry during the last years of the Thirty Years' War. Faced with concerns over the disposition of their rural subjects, Bern and Zurich were initially reluctant to intervene in Basel's defense, but they agreed to send troops if de Fauge crossed into Basel's territory.[52] In the end, though the Lorrainers stole horses and goods from a number of Basler citizens, those thefts took place, despite royal passes, in French lands.[53]

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[50] Rott, *Histoire*, 277–83; see also Günther Haselier, *Geschichte der Stadt Breisach am Rhein* (Breisach, 1969), I: 414–15. On his return Charlevois wrote two long letters to Basel's officials defending his honor and identifying the maréchale de Guebriant as a sorceress and poisoner. StABS, Politische V1, Krieg der Fronde 1651–1654, [unnumbered], dated 22 April 1652 and 24 April 1652.

[51] StABS, Politische V1, Krieg der Fronde 1651–1654, 55 German translation of Neuchâtel's request, 56 a copy of the French original.

[52] On Bern and Zurich's initial reluctance, see ibid., 60 (Bern) and 46 (Zurich). On the Vincent affair, see StABS, Protokolle Kleiner Rat, 39, 1652 Januar 3–1653 Dezember 31, Saturday 6 March 1652, fol 36v.

[53] In a letter dated 30 March, de Fauge claimed that von Rosen's troops were responsible for the thefts. StABS, Politisches V1, Krieg der Fronde 1651–1654, 172 (French original) and 173 (German translation). On 11 April, he made a similar claim involving a second theft. Ibid., 199.

In the midst of the drama at Breisach and the deliberations at Aarau, the Lorrainers cleared out whatever provisions they could find, and de Fauge negotiated a deal with the bishop of Basel at Porrentruy to purchase provisions and passage for his troops in exchange for a promise of good behavior.[54] To my knowledge, de Fauge neither asked for nor received provisions from Basel or the refugees it sheltered. In late March the Lorrainers, however, apparently tricked the defenders of Illzach, a fortified village in Mulhouse's small civic territory, and sacked it escaping with horses and significant stores of grain.[55] On 5 April the officials in Mulhouse, now confronted with a threatening request from de Fauge for provisions, asked for further military assistance, and Bern and Zurich began to make preparations to send 1000 men.[56] This promise was significant as the commitment came at a point when both cities were realizing the full force of their peasants' fury. The troops never marched, however, as two weeks later the relieved officials at Mulhouse relayed reports from Montbéliard that the Lorrainers were streaming westward into Burgundy.[57]

Conclusion

The passage of the duke of Lorraine's troops through Upper Alsace and the Sundgau exposed the weakness of French power in the region. The shifts in power in the interior of the kingdom brought on by the Frondes meant that there was no clear chain of command, and this was perhaps best demonstrated by Charlevoix' ability to resist arrest and imprisonment. The maréchale de Guebriant, even with general von Rosen to support her, could not secure access to Breisach and once she had captured the rebellious lieutenant, she could not hold him and risk losing the fortress to mutinous troops. Breisach would not be truly under French control until its new commandant and royal governor for Alsace, Henri de Lorraine, the count d'Harcourt, ended his own

[54] Rott, *Histoire*, 257.

[55] The events were presented in detail along with a request for immediate help in a letter from Mulhouse to Basel on 30 March 1652. StABS, Politisches V1, Krieg der Fronde 1651–1654, 182–3.

[56] On Mulhouse's report, see ibid., 126–130. On Bern's preparations, see ibid., 175–176. For Zurich, see ibid., 24–25.

[57] The news was first reported on 20 April, see ibid., 32; and the Mulhousiens could confirm the report four days later, ibid., 190.

personal Fronde and signed a peace treaty with Mazarin in May of 1654.[58] Given the inauspicious foundation of French authority in the region, it would be impossible for Louis XIV to claim sovereignty in most of Alsace until he (re)conquered the province during the Dutch War in the 1670s, annexed Strasbourg, and unraveled the Alsatian Imperial legal system through the Chamber of Reunions in the 1680s.

For the Swiss, the passage of the Lorrainer troops through the Sundgau, which was a key source of grain for Basel and the inner cantons, raised the first test of the *Defensionale* and its provision of strict neutrality. Along with Basel, Solothurn, the bishop of Basel, and Bern, whose territories also bordered on the French holdings in Alsace, summoned their militias to their city walls or their frontiers. The bishop alone blinked and treated with the Lorrainers, allowing them provisions and safe passage, a decision that soured relations with the core cantons for some time.[59] As a poorly defended and isolated ally, the Protestant city of Mulhouse faced real danger, but the four Protestant cantons, responded with military assistance that helped Mulhouse weather the storm. Swiss Protestant officials recognized the danger posed by the Lorrainers, but Basel, Mulhouse, and their allies refused to compromise their neutrality by allowing passage of any troops on Swiss soil or by selling provisions. For this confessional faction, confederated defense and strict neutrality, the foundation of modern Swiss foreign policy, had met and passed its first test.

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[58] Georges Livet, "Le Comte d'Harcourt et La Fronde en Alsace (1652–1654)." *Annuaire de Colmar* (1955): 74–82.

[59] Initially Lucerne and the Forest Cantons were unwilling to help the bishop of Basel, for they believed that the duke of Lorraine acted in the interest of the Habsburgs whose cause they too favored, and they would not budge to assist what appeared to be a French cause unless paid in advance. At the federal Tagsatzung in April, the Protestants refused to send troops to the bishop's aid after von Rosen's French troops had followed the Lorrainers across the bishop's territory, by noting that if the Imperial prince bishop of Basel had complaints about the violation of the neutrality of his territory by the French and Lorrainer forces, he had only his ambiguous behavior to blame. Rott, *Histoire*, 256–8.

PART THREE

NATIONS AND EMPIRES

REJECTING AN EMPEROR: HUSSITES AND SIGISMUND

Jeanne E. Grant

At the beginning of the Hussite revolution, Hussite religious thought, the politics of the second decade of the fifteenth century, and the nobles' comprehension of Czech law all converged in manifestos sent out by Hussites who wanted to explain their reasons for revolting against their would-be king, Emperor Sigismund Luxemburg.[1] Two manifestos, from 1419 and 1420 and using two different methods but containing very similar themes, provide a window into the Hussites' reasons for rejecting Emperor Sigismund as their king.

In the various manifestos from Hussites are explanations for rejecting Sigismund and arguments for more independent, more domestic governance of the kingdom. For example, that Sigismund did not fulfill his obligations in Jan Hus's safe-conduct was one of the objections the Hussites raised against Sigismund as a candidate for the Bohemian throne. On July 6, 1415, as is well known, Hus was burned as a heretic at the Council of Constance. Emperor Sigismund had provided Hus—who was a subject of his brother King Wenceslas IV—with safe-conduct. In Sigismund's opinion the safe-conduct was to the Council, but in the opinion of many nobles in Bohemia and Moravia the safe-conduct was supposed to be to the Council and back to the safety of Bohemian land. The execution galvanized many Czech nobles against the logical successor of their aging king four years before King Wenceslas died. The rejection of Emperor Sigismund as king of Bohemia, therefore, had roots in the time when the Hussite reformation was barely starting. Another recurring argument in the manifestos is more general and less specific to the Hussite reformation: the expectation that a king would be an augmenter of the realm. This expectation occurs in a satire, but it

[1] In my dissertation, "The Political Side of Hussitism: Late Medieval Law in Bohemia and the Holy Roman Empire," (Ph.D. diss., University of California, Berkeley, 2005), I examine a law book written between 1394 and 1412 called *The Interpretation of Bohemian Land Law*, which contains the nobles' understanding of the law. The author, Lord Ondřej z Dubé, did not live to see the Hussite reformation become a political revolution because he died in 1412, possibly in early 1413.

also appears in straightforward appeals for support for the Hussite cause, in full anticipation that other nations would agree that a king ought to be an augmenter of the realm else face rejection. This one theme—the king as augmenter of his realm—therefore was an important expectation nobles had of their king, and is common to the manifestos from 1419 and 1420 being considered here. Nobles' conception of their king as augmenter of the realm meant they expected their king not only to increase the size and prestige of the realm, but also not to allow the realm to diminish. In general, the former was more common than the latter in political theory, but the Hussites appear to focus on the latter. This theme, then, at once demonstrates that the Hussites' expectation of their king was both an expectation common among European nobility and a distinguishing feature of the Hussites' perceived relationship with their king, when considered within the context of the religious and political revolution.

The first manifesto is a satire dated September 5, 1419, just after King Wenceslas IV's death and the defenestration of Prague. This manifesto is referred to simply as "A Satirical Document of King Sigismund" ("*Satirický list 'Krále Zikmunda'* " and here "the satire")[2] in the scholarship, and adds much to our understanding of what Hussite Bohemian nobles expected of Sigismund. The author was Kašpar of Lewbicz, a registrar in the royal chancellory from 1408 to 1418.[3] The satire presents what the nobles expected of a sovereign by praising Sigismund for precisely those actions and qualities which he was failing to fulfill. It contains commentary on what kind of sovereign Sigismund should have been and what he should have been doing. This "inverse" description also illustrates what religious events met with their approval by ascribing

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[2] Amedeo Molnár, ed. *Husitské Manifesty*, [*Hussite Manifestos*], (Prague: Odeon, 1980), 71–73.

[3] Tadra, Ferdinand, *Kanceláře a písaří v zemích českých za král z rodů Lucemburského Jana, Karla IV, a Václava IV (1310–1420)* [Chancellors and Notaries in the Czech lands during the reigns of the Luxemburg kings John, Charles IV, and Wenceslas IV (1310–1420)] (Prague: Nákladem české akademie císaře Františka Josef pro vědy, slovesnost a umění, 1892), 71. František Šmahel, *Husitská Revoluce* 3, *Kronika valečných let*, [*The Hussite Revolution* 3, *A Chronicle of the War Years*], (Prague: Univerzita Karlova, 1993), 330, fn. 29, calls this document "a facetious or derisive document" ("*posměšný list*"). A Latin version is published in František Palacký, *Urkundliche Beiträge zur Geschichte des Hussitenkrieges vom Jahre 1419 an*, *Band II*, (Prague: Tempský, 1873; reprint, Osnabrück: Biblio-Velag, 1966), No. 3, 523–27. Palacký dated this version to 1420 and titled it, "K. Sigmunds satyrischer Belobungsbrief an die hussitischen Prager, und deren Antwort." He provided no further information about Kašpar of Lewbicz.

words to Sigismund that were opposite of what he said. The author of the manifesto uses "inverse" description to criticize Sigismund on several counts. By using the themes of royal servants and Biblical justification, Kašpar unveils how the Hussites' religious reasons for rejecting Sigismund were intimately associated with their political reasons.[4]

Kašpar pretends the manifesto was sent by Sigismund to former magistrates of Prague's Old and New Towns. Kašpar cues his audience from the very start that this manifesto is a satire by having his fictional Sigismund send greetings to his royal councilors and express hope that they are not dissuaded from their Wycliffite "holiness" [i.e., beliefs]. The opening passage declares:

> Sigismund, ever the augmenter of the empire, Roman, Hungarian, and Dalmatian king by God's grace, the legitimate heir and lord of the Bohemian kingdom, etc., to the faithful, good magistrates, the burgomaster Václav Štráboch, Jan Reček, and the other councilors of the Old and New Towns of Prague, sends greetings according to their merits with particular wishes only that they not be dissuaded from Wycliffite holiness.[5]

The real Sigismund never faltered in his position that the Hussites must return to the doctrine of the Church and submit to the pope. The fictional Sigismund addresses in this manifesto the former magistrates of Prague's Old and New Towns, Václav Štráboch and Jan Reček.[6] The fictional Sigismund praises them for their service to the Lord. Their service causes their "preoccupied liege sovereign" Sigismund joy and brings glory to the Lord. Because of their faithful service "his [the Lord's] throne does not waver" and "his name is spread resoundingly from east to west with the sun."[7] The king's servants

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[4] Kašpar also criticizes Sigismund's handling of the burial of his half-brother Wenceslas.

[5] Molnár, 71. I have translated from the Old Czech that can be found in Molnár's edition, unless otherwise noted. "Zikmund, vždy rozmnožitel říše, z boží milosti král římský, uherský a dalmatský, pravoplatný dědic a pán Českého království a tak dále, věrným milým, rychtáři, purkmistru Václavu Štrábochovi, Janu Rečkovi a ostatním konšelům Starého a Nového Města v Praze, pozdravení podle jejich zásluh se zvláštním práním, aby se jen nedali odradit od viklefské svatosti."

[6] Molnár, 252, fn. 3 and 4. Václav Štráboch served as burgomaster from May 7 to August 17, 1419, and Jan Reček served as a councilor of the Old Town since 1416, and burgomaster from February 25, until Václav Štráboch succeeded him. Jan Reček had a large house in Old Town and received some other property from Sigismund for his loyal service. He apparently died without heirs, however, and in 1438 donated the property to Charles University for use as student residence.

[7] Molnár, 71. "Jak velikou radost jste způsobili svému starostlivému vladaři, že v Pánu svorně setrváváte ve vzájemné lásce!…Jeho trůn nezakolísá a jeho pověst se zvučně roznese od východu slunce až na západ."

and his deputies were expected to be the king's representatives in the kingdom, especially with an absentee sovereign such as Sigismund. As far as the king's reputation was concerned, the magistrates and the king were interchangeable. The magistrates' service was also in the Lord's service. Therefore, in Kašpar's opinion, the Lord's throne was wavering and the Lord's name was not receiving the glory it deserved.

The satirical Sigismund continues to heap praises on Štráboch and Reček for their service to God and for their fine work in bringing "light" to religious life in Bohemia. They are "the light that enlightens the minds covered by dark ignorance." They bring their wisdom to the kingdom. They manage without the pope and consider the kingdom on earth an unnecessary thing. Therefore, they—the magistrates in satirical form—burned the Carthusian monastery established by "the celebrated John, the Czech king."[8] They drove out nuns and monks from monasteries and vicars from parishes because, Sigismund says to them, "you did not want to accept Christ's law that you know so perfectly."[9] They threw out the town councilors and burgomaster and boldly killed them with "unmatchable virile strength." They turned on Prague's religious life, breaking images of Christ and the saints because they were useless images, banishing most of the clergy, forbidding them burial in coffins, and preventing monstrances from being kissed during mass, rejecting also other common church practices. They condoned writing Jan Hus's and Jerome's names into the roster of saints. Finally, they welcomed "with an appreciative mind, the clearly unerring men and women preachers of wisdom, not heard for ages."[10] All these

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[8] Molnár, 71. "Vy jste světlo, které osvěcuje mysli zahalené temnotami neznalosti. Vždyť světlo dekretů kostnického koncilu rovnou hasne, postaví-li se do oslnivé záře vaší odbornosti. Ozdobili jste Prahu a celé Čechy svou zářivou moudrostí, bez papeže se nakrásně obejdete, pozemské království je vám věcí zbytečnou, kartouzský klášter, který nedaleko Prahy založil slavný Jan, král Český, náš děd dobré paměti, jste spálili, a to právem, když přece mniši toho kláštera byli svaté církvi zhola neužiteční…"

[9] Molnár, 72. "Vypudili jste jeptišky a mnichy z klášterů a plebány a jejich vikáře z farních kostelů, protože nechtěli přijmout zákon Kristův, který vy tak dokonale znáte."

[10] Molnár, 72. "Některé konšely a purkmistra vzpomenutého Nového Města pražského jste střemhlav svrhli z radnice a jako mužové nepřekonatelné síly jste je odvážně zabili. Potom jste vyšli do ulic, jako nanicovaté modly roztříštili obrazy Krista a svatých, vyhnali z Prahy většinu kleriků, zakázali vší svou vahou pohřbívat v rakvích, stavět k nim hořící svíce a s ještě větší přísností zabraňujete, aby se o mších líbaly monstrance s ostatky svatých. Odmítli jste i ostatní obvyklé kostelní obřady. Jana Husa a Jeronýma a některé laiky zavražděné, jak tvrdíte, pro Kristův zákon, jste zapsali do seznamu svatých…s vděčnou myslí jste uvítali zajisté neomylné kazatele a kazatelky moudrosti, od věků neslýchané."

actions, spoken of so approvingly by the fictional Sigismund in the manifesto, were actions actually taken by Hussites. The manifesto thus offers Hussites not only an opportunity to pillory the real Sigismund but also to grandstand about their own accomplishments.

In the satire, Sigismund praises his magistrates as a "forthright exemplary mirror, in which residents of other lands can observe themselves"[11] for taking these actions. The real Sigismund, however, certainly did not manage without the pope or the pope's earthly kingdom and he never advocated the destruction of monasteries. In addition, the fact that the founder of the Carthusian monastery, King John, was specified as a Bohemian king ("*slavný Jan, král Český*") was a derision of Sigismund's claim to the Bohemian throne as a legitimate heir, even if he was John's grandson. Sigismund is considered a foreigner, and in nearly every Hussite manifesto his lineage is questioned and his childhood lamented (for he was reared by Charles IV mostly in the Czech kingdom, bilingual in German and Czech). By criticizing the objects of fictional Sigismund's praise for their perfect knowledge of Christ's law, Kašpar belittles the condemnation of the attacks on the monasteries. In effect, he was insuating Sigismund and his deputies had no sense of the law of God although they acted as if they did. He was also saying the deputies did not see that the Hussites—who carried out the deeds described—understood the law of God better. The reference to throwing out the town councilors alludes to the events of July 30, 1419, which had led to the defenestration of Prague's New Town councilors, who had been royalists and who had attempted to maintain order in a town under the sway of the radical preacher, Jan Želivský. Unlike Želivský, Sigismund was no iconoclast and upheld the Catholic Church's common practices. Sigismund's status as the executor of the Council of Constance, where Jan Hus and Jerome of Prague were burned in 1415, makes ludicrous the assertion that he would praise the inclusion of their names in the roster of the saints whose name days were celebrated. Also farcical is Kašpar's contention that Sigismund would advocate welcoming the "clearly unerring men and women preachers of wisdom," a reference to earlier theologians revived by Hussites.[12]

[11] Molnár, 71. "Vy jste přímo vzorné zrcadlo, v němž se mohou zhlížet obyvatelé ostatních zemí."

[12] Which theologians were meant specifically is not clear.

The fictional Sigismund continues to laud his servants in the kingdom for their resilience against criticism. He praises them for their "new displays of holiness"[13] because kings and princes of Christendom were, are, and will be astonished by the punishment they had to suffer for the "great wisdom of which ancient prophets did not have an inkling."[14] Sigismund even apologizes for trying to dissuade them from breaking with the Roman church in the past! He explains that he had acted "only from ignorance" and because he had not recognized their "ascendancy in holiness and in an expert knowledge of the Testament."[15] The satire thus puts words into Sigismund's mouth he could not be believed to have said. In fact, as mentioned above, the manifesto can be interpreted as an exact foil to the real Sigismund's political views. As a result, we can conclude why the Hussites objected to Sigismund: he did not understand how religiously astute the Hussites were and therefore, he condemned them out of ignorance.

At the end of the manifesto, the fictional Sigismund pleads for the kingship of Bohemia. He admits he is "ignorant of justice and God's law/Testament"[16] and unsteady in his faith. He quotes lines from the Bible that opponents of his kingship could use. For example, he quotes Luke: "'We do not want that this one should stand above us as king,'"[17] and Matthew: "'This is the heir; Come, we will kill him.'"[18] He then promises, to the Bohemian subjects, "to live according to your advice and that we will conduct the affairs of this kingdom just as your wisdom trains us to."[19] Hussites must have wondered what it would be like to have such a malleable king as the one presented in this satire.

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[13] Molnár, 72. "Kdo však opravdu stačí vypovědět a rozhlásit všecku vaši chvályhodnost, když vy na každy den a bez přestání děláte takové pokroky v nových projevech svatosti!"

[14] Molnár, 72. "Poprávu užasli a žasnou a budou žasnout králové a knížata celého křest'anstva nad tím, že vám vyla vlita tak veliká moudrost, o jaké dávní proroci neměli ani zdání."

[15] Molnár, 72–73. "Ačkoli jsme vám tedy v minulosti Častěji psali, vyslovujíce vůli a přání, abyste neodstupovali od poslušnosti římské církve, dopustili jsme se toho jen z neznalosti, nevědouce ještě, že máte tak velikou převahu ve svatosti a v odborné znalosti Zákona."

[16] The Czech word "zákon" means both "law" and "Testament."

[17] Luke 19:14, referring to the parable of the ten coins.

[18] Matthew 21:38, referring to the parable of the tenants.

[19] Molnár, 73. "I žádáme vás slavnostně, abyste nás, neznalého spravedlnosti a božího zákona a u víře nepevného, ráčili přijmout do škol svého společenství a podle svých možností nám dopomohli dosáhnout Českého království. A neříkejte s evangelistou Lukášem (19, 14): „Nechceme, aby se tenhle stal nad námi králem"; a také neříkejte,

Sigismund is portrayed in the satire as failing to meet traditional expectations of kings. The strain between two antipodal groups is tangible. On one side stood a king who was the legitimate hereditary heir of the Bohemian throne. On the other stood the Hussites, not only the objects of a crusade, but also political theorists who knew the Bohemian throne was an elected position. In effect, the author implies that the Hussites were innovative in bringing new heights of holy wisdom to this political reality. The medium for this message is a satire, designed to sting Sigismund. In the manifesto, Sigismund has the titles "augmenter of the empire" and the "legitimate heir and lord of the Bohemian kingdom,"[20] two titles the Hussites did not believe he deserved. The first, the augmenter of the realm, was a common expectation of kings and sovereigns in medieval political thought. According to this satire, Sigismund fulfills none of the qualities ascribed to an ideal king by Giles of Rome: he does not keep peace at home, defend against foreign enemies, encourage learning, prevent sedition among his magnates, make himself loved by his people, or fulfill his religious obligations.[21] The Hussites did not believe Sigismund deserved the title of augmenter because he had detached Brandenburg from the Bohemian crown lands to give it to Friedrich in 1415. This was a complaint often leveled by the Hussites in the manifestos and elsewhere. Calling him the legitimate heir and lord and augmenter of the realm in this satire was a slap in Sigismund's face because, after all, we have to keep in mind the purpose of the manifestos was to show he was not legitimate. His representatives in the kingdom, particularly the two named magistrates, failed to meet Hussite expectations for governing officials and failed to support iconoclasm and the destruction of church houses. Moreover, Sigismund did not recognize the religious wisdom that the Hussites believed they had recovered, invented, and hoped to institute. By the end of the document, the Hussites return to the

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co je psáno u Matouše (21, 38): „To je dědic; pojd'te, zabijme ho", aby snad náhodou nezískal České království. Slibujeme vám, že budeme nadále žít podle vaší rady a že záležitost tohoto království povedeme tak, jak nás tomu vyučí vaše moudrost."

[20] Molnár, 71.

[21] Jean Dunbabin, "Government," in J.H. Burns, ed., *The Cambridge History of Medieval Political Thought, c. 350–1450* (New York: Cambridge University Press, 1988), 484–485. Dunbabin summarizes the attributes: "His duties are to keep peace at home, to defend against foreign enemies, to encourage learning, to prevent sedition among his magnates, to make himself loved by his people, and to fulfill his religious obligations."

political demands put forward elsewhere: the king must rule with the people or face elimination, as sanctioned by Scripture.[22]

Manifestos of April 1420 provide further explanation of the Hussites objections to the international political situation in which they found themselves. These manifestos were not satires but straightforward appeals to Czechs and foreigners. One of these was the manifesto from April 20, entitled "The Lords and Praguers to all Czechs,"[23] and it, too, explains the reasons Sigismund is unworthy. The authors of this document identify their intended audience as follows: "the noble, brave, esteemed, wise and prudent lords, knights, vassals, townspeople and all the inhabitants of the Kingdom of Bohemia and the Margraviate of Moravia…"[24] The authors then identify themselves and enumerate their authority: "we, Čeněk of Vartenburk, supreme burgrave of the Czech Crown and Kingdom, Oldřich of Rosenberg, and other lords, the city of Prague, knights, vassals and other towns, with all those who care about the freedom of the law of God and the well being of the Czech language."[25]

Having established for whom the manifesto is intended and who wrote it, the authors moved directly to its purpose. The careful phrasing of the message makes it worth quoting at length,

> We remind each and every one of you of your obligations to the Czech Crown and Kingdom, and we request that none of you submit to the serene duke Sigismund, the Roman and Hungarian king, or to be in subjection to him or obey neither him as the king of Bohemia nor his officials. You must be aware that he has not been elected king by the Czech lords and he has not been crowned. He is the great and cruel

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[22] See above for the Scripture references. The Hussites put forward their most clear political demands at the Land Diet held just after Wenceslas's death demanded more involvement of domestic nobility in government.

[23] An English translation can be found in Thomas Fudge, *The Crusade against Heretics in Bohemia, 1418–1437: Source and Documents for the Hussite Crusades* (Burlington, VT: Ashgate, 2002), pp. 61–63. Also, it can be found edited in Czech in *Archiv Český* 3, pp. 210–212, and a more modern edition is in Molnár, *Husitské Manifesty*, pp. 67–70. Karel Hruza's article, "Die hussitischen Manifeste vom April 1420," analyzes four versions of what is the same manifesto from April 18, 19, and 20, 1420, in German and Czech. Because my purpose is not to recreate Hruza's analysis, I use the Czech version dated April 20, 1420 which is found in Fudge, Molnár, and *Archiv Český* 3, along with Hruza's article.

[24] Fudge, *The Crusade*, 61.

[25] Fudge, *The Crusade*, 61. Although "jazyk" literally means "language," as Fudge has translated it here, in Old Czech it was often used as an equivalent for *ethnos*, *gens*, or *natio*, and therefore can also be translated as "people."

> enemy of the language [i.e., people] and kingdom of Bohemia. This can be demonstrated as follows.[26]

The manifesto proceeds to explain why Sigismund, now mentioned by name, is unworthy. The message of the manifesto clearly is, "Do not submit to or obey Sigismund." But it is not as simple as that. The authors accord Sigismund his titles and request the addressees not obey him *as king of Bohemia*. As the Roman and Hungarian king, they make no such request. In fact, in the Czech version of the manifesto he is called "the Roman king always the augmenter" ["*římskému králi vždy rozmnožiteli*"].[27] They do not dispute but praise him in his titles, except for the title he claimed in Bohemia. Referring to him as an augmenter of the empire here throws more light on the degree of ridicule that Kašpar had hurled at Sigismund in the satire. While both manifestos denied Sigismund's claim to the Bohemian throne, here his legitimacy in the empire and Hungary was respected. This respect was the product of the authors' political positions and political goals.

The authors wanted the main message of the manifesto to be clear beyond a doubt and for that reason they used three different ways to say, "do not obey him." They wrote, in literal translation, "do not…be subject to him and do not belong to him and do not listen to [obey] him as the Czech king" ["*abyste…poddáni nebyli a jemu nepatřili ani ho neposlouchali jakožto krále Českého*"].[28] These three different ways of saying "do not obey him" illustrate the three relationships the nobles had with Sigismund (or any king for that matter). The first, not to be subject to him, reflects their status as subjects of a king. Of course this status was not limited to the nobles. The second, not to belong to him, reflects their feudatory status. And the last, to not listen to him, reflects their mutual consultative relationship with the king. The three variations of subjection to someone communicate the authors' desire to make a politically, rather than religiously, based case against Sigismund, who otherwise would have deserved to have all the addressees be subject to, belong to, and be obedient to him.[29] Because "His Grace" ["*Jeho*

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[26] Fudge, *The Crusade*, 61. I slightly modified the translation.

[27] Molnár, 67. In *Archiv Český* 3, p. 210: "římskému králi wždy rozmnožiteli." Fudge does not include "vždy rozmnožiteli" in his translation.

[28] Molnár, 67. In *Archiv Český* 3, p. 210: "abyšte…poddáni nebyli a w něho neslušali, ani jeho poslúchali, jakožto krále Českého."

[29] Šmahel, *Husitská Revoluce* 3, 38, feels that the inclusion of the two chief Czech lords' names at the beginning of the manifesto "vested the act of rebellion with the semblance of an all-estate consensus of the utraquist-national side [*všestavovského*

Milost"][30] was not elected by the Czech lords and was not crowned "for the Czech kingdom" ["*ani k Českému království korunován*"].[31] Finally, because he was the enemy of the Czech kingdom and language, Sigismund and his officials ought not be obeyed, according to this manifesto. The bulk of the rest of the manifesto proves Sigismund was an enemy of the Czech kingdom by listing his crimes.[32]

The final part of the manifesto reiterates the need to defend the Czech kingdom, crown, and language, reminding its audience, "just as you have done previously and as your forebears did."[33] And if a "faithful Czech" should be unwilling to defend kingdom, crown, and language, the authors felt it necessary to describe the consequences to that choice.

> However, if without regard to our warning against such ruin of the Czech language and kingdom you should ever follow or obey him as the king of Bohemia, then you will forfeit honor, life and property, according to the law of this crown and kingdom and as individuals who have not maintained the faith with their native language and crown. However, we

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konsensu kališnicko-národní strany] that professed to be the representative of both Czech lands' interests." The inclusion of these three ways of saying "do not obey Sigismund" shows attention to just that semblance of representativeness, but with more sensitivity than Šmahel implies.

[30] Molnár, 67. In *Archiv Český* 3, p. 210: "*JM*".

[31] Molnár, 67. In *Archiv Český* 3, p. 210: "ani k Českému královstwí korunowán."

[32] In the Czech version of the April 20 manifesto, the authors listed Sigismund's wrongdoings, or *Untaten*, as they are called in Hruza's article, to support their argument not to obey Sigismund. The nine wrongdoings were: (1) he called them heretics on account of their utraquism; (2) he ordered a crusade against them; (3) in Wrocław he ordered a man killed for utraquism; (4) in Kutná Hora he ordered thousands killed and thrown into the mines for their utraquism; (5) he removed the margraviate of Brandenburg from the Czech Crown; (6) "he gave the bishopric of Moravia to a nasty man"; (7) in Wrocław he had people killed and confiscated their property to the ruin of the crown; (8) "he entered into a pact with Duke Hanuš, who is a great enemy, destroyer, disturber of the law, and robber of the Czech Crown"; and (9) he ordered the death of Jan Hus "in spite of the safe-conduct he had himself issued." Fudge, *The Crusade*, 61–62. Hruza has a tenth wrongdoing when he lists the ten from all the manifestos of April 1420: "he pledged the old marches to the Prussian 'crusading knights.'" (Hruza, "Die hussitischen Manifeste vom April 1420," 145). In each enumeration of Sigismund's offenses, the authors repeatedly state that the individual offense was committed to the dishonor and disgrace of the Czech crown and people [literally, "language"]. The authors, therefore, claim they are defending both the crown and people. Indeed, Hruza specifies that the important points of the manifesto are the right to resistance, the elective nature of the crown, the bond to a transpersonal crown, and membership in the Czech "language." Hruza, "Die hussitischen Manifeste vom April 1420," 148.

[33] Fudge, 62.

> are certain that inasmuch as you are wise, faithful and discerning people, you will not allow something like this to transpire, but that you will behave yourselves as true Czechs in the mentioned things and demonstrate your loyalty to, and love of, the Czech language and Kingdom.[34]

This warning and these consequences are as if lifted directly from Lord Ondřej z Dubé's law book. The inclusion of the phrase "according to the law of this crown and kingdom" may well indicate it was written by someone familiar with legal texts. In article 13 of his law book, Ondřej explained the scope of applicability of the land law and the general consequences of breaking it. He wrote that a person could go outside the law "on penalty of [his] honor, faith, and expulsion from the land as a destroyer and criminal of the land and under loss of his entire estate and claim."[35] While the words are not taken verbatim from the book to the manifesto, the meaning is.[36] This manifesto reveals Hussite Czech nobles' political grievances against Sigismund and the legal reasoning behind their political thought.

As Karel Hruza has pointed out, this manifesto, specifically the Czech version of April 20, is the result of the synthesis of the two anti-Sigismund movements: the nobles who sided with Čeněk of Vartenburk and the Hussite cities of Prague.[37] The manifesto of April 20 marks not only the reception of Čeněk into the utraquist fold, but also, as Šmahel has pointed out, two firsts. It marks the first time the elective nature

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[34] Molnár, 67. I used Fudge's translation to make my own, more literal translation. Fudge's translation is as follows, "However, if after this warning you should ever follow or obey him as the king of Bohemia then you will forfeit honour, life and property, according to law and as individuals who have not maintained the faith with their country and crown. However, we are certain that inasmuch as you are wise, faithful and discerning people, you will not allow something like this to transpire. Instead, you will behave yourselves as true Czechs in all things and demonstrate your loyalty to, and love of, the Czech language and Kingdom." Fudge, 62–63.

[35] František Čáda, *Nejvyššího sudího království Českého Ondřeje z Dubé: práva zemská Česká*, [*The Bohemian Land Law by Ondřeje z Dubé, the Highest Judge of the Bohemian Kingdom*], (Prague: Academy of Science and Arts, 1930), 125–126.

[36] Ondřej's law book: "pod pokutú cti, viery a vyhnánie z země za zhúci a zloděje zemského a pod ztracením svého statku všěho I nápadu…"

April 20 manifesto in Molnár's edition: "podle práv koruny a království tohoto propadli čest i hrdla i svá zboží pro nezachování věrnosti své přirozené jazyku svému českému i koruně."

And the manifesto in *Archiv Český 3*: "podlé práw koruny a królowstwie tohoto propadlibyšte čest i hrdla i zbožie waše, wiery swé přirozené jazyku swému Českému i koruně nedržiece."

[37] Hruza, "Die hussitischen Manifeste vom April 1420," 134.

of the Bohemian throne arose as a topic in an official document from the Hussite community.[38] It also marks the first time the Four Articles of Prague were published in an official statement.[39] The Four Articles were revised and became a powerful unifying doctrine for Hussites. Their inclusion in this political manifesto demonstrates further the convergence of Hussite religious, political, and legal thought, especially in light of the remaining, political message of the manifesto.

The inclusion of both the elective nature of the Bohemian throne and the Four Articles, two firsts for a manifesto, distinguishes the 1420 manifesto in the search for an understanding of the convergence of Hussite religious, political, and legal thought. The satire by Kašpar of Lewbicz explains religious reasons for rejecting Sigismund. Through just two manifestos from 1419 and 1420 religious beliefs and politics come back to legal beliefs. One might wonder if the legal language was a cover for religious conviction and political maneuvering. The language, however, appears as a natural part of the Hussites' reasoning and argumentation. Hussites invoked the law of the land explicitly, almost verbatim from Ondřej's book on the land law. Furthermore, all three ways Hussites used to say "do not obey Sigismund" reflect an awareness of their legal position vis-à-vis the king. Even in his satire, Kašpar criticized Sigismund by picking on his representatives within the kingdom for not knowing the law of God well enough. To think in legal terms was common and seemingly natural. In this one medium of communication, briefly examined here in these two manifestos, though evident in other media too, religion, politics, and law come together to demonstrate how the Hussites justified rejecting Sigismund as their king.

[38] Šmahel, *Husitská Revoluce* 3, 38. Šmahel writes, "Poprvé se v oficiálním dokumentu husitského společenství vynořila otázka volitelnosti českého trůnu jako důsledek neméně legitimní možnosti odporu vůči jeho nehodnému."

[39] Molnár, 69. See also Šmahel, *Husitská Revoluce* 3, 38.

THE UNION OF CALMAR—NORDIC GREAT POWER OR NORTHERN GERMAN OUTPOST?

Steinar Imsen

Scandinavia is commonly conceived of as a distinct northern European region. By and large Norwegians, Danes, and Swedes speak the same language, and the Scandinavian countries can be considered ethnically homogeneous nation states. In contrast to East Central Europe, which has been marked by German dominance and multi-ethnic territorial states with authoritarian regimes (even dictatorships), the Scandinavian countries are old and stable democracies with welfare states. Many Scandinavian historians, particularly Danish and Swedish ones, would also hold that the fourteenth-century unification of the three Nordic kingdoms was a response to German expansionism in the Baltic, and that the Union of Calmar (1388/97–1523) was one of the reasons why the Scandinavian peoples were able to preserve their national identities and Scandinavia its "Scandinavian-ness." There is reason to suspect that the historians who encouraged this view had the Germany of Bismarck and Hitler in mind rather than the patchwork of principalities and communes that was late medieval and early modern Germany.

My intention here is to question this traditional view of late medieval Scandinavia and the Union of Calmar as a bulwark against Germany. I will use the term Norden instead of Scandinavia, since Scandinavia strictly speaking is Norway and Sweden only. Both geographically and historically Norden is more appropriate than Scandinavia. Present day Norden also includes Denmark, the Faeroes, Greenland, Iceland, and Finland. Even though the language question in this region is a bit complicated—modern Icelandic is closer to Old Norse than to modern Norwegian and only some hundred thousand Finns today use Swedish as their mother tongue—all the Nordic countries share a common history and the same political ideals. Since the 1950s they have all been members of the Nordic Council. However, we should be careful not to confuse present day Norden with medieval and early modern Norden, which was larger and more complex, ethnically, culturally and politically,

than post-Napoleonic Norden.[1] Before discussing the political and national character of the Union of Calmar, I will outline the history of this union in Norden and then discuss its historiography.

The Union of Calmar

The Union of Calmar is named after the south Swedish city of Calmar. In July 1397 delegates from Norway, Sweden, and Denmark assembled there for the coronation of Eric as the Nordic king.[2] During a hectic month they discussed a formal treaty among the monarchies of the union. The goal was to replace the already existing confederation of monarchies with a real union or even a federal Nordic state.

Eric had been king of Norway since 1389 and went on to claim the thrones of Denmark and Sweden in 1395 and 1396 respectively. Yet the ties among the three monarchies were even older. As early as 1319, Norway and Sweden had entered a confederation of monarchies, which forged lasting dynastic and political bonds between the two countries, even though this first "marriage" came to an end in the 1350s. A similar confederation was formed in 1380 between Norway and Denmark as a result of the Norwegian heir to the throne, Olaf Håkonsson, being elected king of the Danes in 1376. Olaf acceded to the Norwegian throne at the death of his father, Hakon VI Magnusson, who was the son of the former Norwegian-Swedish king, Magnus Eriksson, and had, for a short while, also been accepted as king of Sweden (1362–64).

The fifteen years between 1380 and 1395 were dominated by rivalry and, at times warfare, between the two dynasties, which strove for a position of dominance in Norden. One was the Norwegian-Swedish-Danish royal family, the Folkunge dynasty, which claimed the right to the Swedish throne. The other was the Swedish-German dynasty of Mecklenburg, which made similar claims to Norway and Denmark. Albert, son of Duke Albert of Mecklenburg and Eufemia Eriksdatter and cousin to Hakon VI of Norway, acceded to the Swedish throne in 1364 after the Swedes had ousted Albert's uncle, Magnus Eriksson.[3]

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[1] Steinar Imsen, *Grenser og grannelag i Nordens historie*, pp. 12–32, Oslo 2005.

[2] Eric, who was baptised Bugislav, was son of Duke Wartislav VII of Pommern-Stolp and Mary of Mecklenburg, and in Nordic history he is known as Eric of Pomerania.

[3] Grethe Authén Blom, "Forhandlingene på Båhus omkring 24. juli 1321", in S. Imsen and G. Sandvik (eds.) *Hamarspor*, Oslo 1982; Aksel E. Christensen, K*almarunionen og nordisk politikk 1319–1439*, pp. 11–21, Copenhagen 1980.

Olaf's mother Margaret, dowager queen of Norway and daughter of the Danish king, Valdemar IV, was to become the leader in the battle for the Nordic thrones and the person who actually unified the Nordic realms in 1388. She was appointed regent of the three kingdoms after the death of her son in 1387, and it was she who saw to it that Eric, son of her sister's daughter, was accepted as hereditary king of Norway.[4]

The union among the three countries lasted until 1523, although not without interruptions. Even if we use the name Union of Calmar for the entire period ending in the 1520s, it would be more correct to speak of a series of Nordic unions. The first interruption came in the 1430s, with the dissolution of the Union of Calmar proper. Following an interregnum of three years, the three-kingdom monarchy was re-established in 1442, but now as a confederation. Christopher, son of Count Palatine John of Neumark and Eric's sister Catherine, was elected and crowned separately in each kingdom. In Norden he is referred to as Christopher of Bavaria since he belonged to the House of Wittelsbach. Thus, both of the first two union-kings were rooted in a dynastic network of German princes. It is also significant that Eric was a cousin of Emperor Sigismund of the House of Luxembourg, while Christopher (a grandson of the former German king Ruprecht III) grew up at the court of Emperor Sigismund.[5]

Christopher's reign proved short-lived, and the interregnum between 1448 and 1450 following his death became a turning point in the history of Norden because the Swedes and the Danes elected kings separately. Thus, the three-kingdoms-model was challenged by a bipartite solution: a western Norden with Copenhagen as its centre and an eastern Norden with Stockholm as its dominant city. The Norwegians became divided between two parties that favored unions with Sweden and Denmark, respectively. In the end, Norway joined Denmark, and in August 1450 Danish and Norwegian representatives concluded a bilateral treaty of union in Bergen, that lasted until 1814.[6]

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[4] Steinar Imsen, *Arv-annammelse-valg. En studie i norsk tronfølgerett 1319–1450*, pp. 33–42, Oslo, Bergen, Tromsø 1972.

[5] Ludvig Daae, "Erik af Pommerns, Danmarks, Sveriges og Norges konges, giftermaal med Philippa, prindsesse af England", (Norwegian) *Historisk Tidsskrift*, vol. VI pp. 332–74, Kristiania (Oslo) 1880; Halvdan Koht, "Cristopher av Baiern", in *Norsk biografisk leksikon*, vol. III pp. 147–50, Oslo 1926; Klaus Conrad, "Herzogliche Schwäche und städtische Macht in der zweiten Hälfte de 14. und 15. Jahrhundert, in Werner Buchholz, *Pommern. Deutsche Geschicte im Osten Europas*, p. 149 and 166ff., Berlin 1999.

[6] Frede Castberg, "Statsforbindelsen mellom Norge og Danmark", in *Juridiske stridsspørsmål i Norges politiske historie*, Oslo 1961.

Although this dissolution of the union proved to be temporary, when Sweden rejoined the union in 1457 it was never to become a fully integrated member again. After 1450 the Swedes pursued an independent line, and for long periods the country was governed by a kind of national board, called "riksråd" (Council of the Realm) under the leadership of a national "riksforstander" (governor). Simultaneously the bonds between Norway and Denmark were strengthened, and the two realms gradually came to resemble a federation of its own within the Nordic union. This was soon extended to include the duchy of Schleswig and county of Holstein, which in 1460 elected Christian of Oldenburg as lord of a united Schleswig-Holstein and agreed on a treaty union with Denmark, parallel to the agreement Denmark and Norway had reached ten years earlier. Already at this point, during the reign of Christian I of Oldenburg, we are thus able to see the contours of the future Oldenburg state. It was the ambition of the Oldenburg kings to tighten their grip on Sweden that led the three-nation union into a permanent crisis after 1500 and, ultimately, to its demise. It was at this point that it looked like the Norwegian-Danish King Christian II of Oldenburg would finally succeed in gaining control of the Swedes. The flight of Christian II in 1523 marks the definite end of the Union of Calmar.

The Union of Calmar and the Historians

The formation of nation states in Norden in the wake of the Napoleonic Wars has largely determined the way the Union of Calmar has been viewed by Nordic historians. Their perspective is twofold. First, it introspectively focuses on the interplay among the Nordic countries and tends to identify late medieval Norden with the present day Nordic countries. Second, it is national or even nationalistic, since it conceives Nordic history as the sum of national histories. In this sense it is also anachronistic. Few historians, if any, have tried to develop a common Nordic or North-European perspective on late medieval Nordic history.

The national theme has manifested itself quite differently among Norwegian, Swedish and Danish historians—as well as in the public opinion of the three countries. The national tradition is most clearly evident in Norway, where the late medieval period is considered an uninterrupted period of decline. It started with the union monarchy

between Norway and Sweden in 1319 and ended with the loss of national sovereignty in 1537. The Union of Calmar and the Black Death are considered the two worst catastrophes in Norwegian history. A prominent member of the Norwegian parliament asserted in the 1950s (during a debate about Norway's accession to the Nordic Council) that the Nordic dream held by Sweden and Denmark was by contrast a nightmare for the Norwegians. There are still Norwegian historians who subscribe to this view, even though the national theme clearly has been minimized during the last decades. Nevertheless, the idea of a national decline is still valid, and the Union of Calmar has subsequently been viewed as a Danish and Swedish project with the Norwegians as more or less powerless victims.[7]

In Danish historiography too the national theme has a central position, though with a valence opposite to the Norwegian one. Danish historians have tended to portray the Union of Calmar as a Danish project and the period between 1340 and 1523 as something like a golden age in the history of Denmark. It started with King Valdemar IV (1340–75), nicknamed "Atterdag" (the national redeemer who brought a new day to his country), who restored the Danish kingdom that northern German princes had threatened to divide among themselves during the 1330s. The golden age continued with Valdemar's daughter, Margaret, who unified the Nordic countries under what was essentially Danish leadership. The nationalist interpretation of these events became even more pronounced following the defeat over Schleswig-Holstein in 1864 and the subsequent surrender to Prussia. This interpretation is best presented in what should be considered the key work about the Union of Calmar, Kristian Erslev's two volumes

[7] Steinar Imsen, *Norges nedgang*, pp. 7–16, Oslo 2002.The union has come in many ways to haunt the debates about Norwegian membership of the EU in 1972 and 1994, and the Union's character was also fundamental for the analyses of the Oslo Professor Kåre Lunden, who in 1993 published the book *Nasjon eller union? Refleksjoner og røynsler*. Professor Lars Hamre (1912–99), an older colleague of Lunden and probably the leading expert on the history of the Union of Calmar, holds a more moderate perspective when considering the relations between Norway and the union. Hamre also pays attention to the Nordic context as well as the Norwegian political role within the union. See Lars Hamre, *Norsk historie frå om lag 1400* (Oslo 1968), *Norsk historie 1450–1513* (Oslo 1971) and *Norsk politisk historie 1513–1537* (Oslo 1998), ref. Grethe Authén Blom, *Norge i union på 1300-tallet*, 1–2 (Trondheim 1992) and Eldbjørg Haug, *Margrete, den siste dronning i Sverreætten* (Oslo 2000).

about Queen Margaret and King Eric of Pomerania.[8] The national interpretation of Danish history has recently become less prominent, although some contemporary Danish historians still consider the union monarchy in light of their national heritage.

The national theme is less pronounced in Swedish historiography. Because of their former position as a great power in Northern Europe during the seventeenth and eighteenth centuries, the Swedes have been more inclined to adopt a common and, therefore, less exclusively national—if not necessarily neutral—"Nordic" attitude. Still, the national theme once had a strong position in the Swedish tradition, especially in the nineteenth century, in particular among conservative historians. Until the 1930s, Swedish historians often viewed the Union of Calmar in light of an underlying struggle between nation and union. And according to the generally accepted view, the national interests gained prominence during the 1430s when a large-scale popular rebellion, eventually supported by the national aristocracy, led to the collapse of the Union of Calmar proper. Swedish historians have seen the events of the 1430s as a forerunner of the Swedish nation state, which was allowed to take shape and gain Nordic supremacy on the ruins of the union after 1523.

There are few signs of a genuine Nordic consciousness among Nordic historians, though some traces of it can be discovered in the mid-1800s in an intellectual movement known as Scandinavianism. Among scholars, government officials and certain politicians, there was a growing desire at that time for a closer Nordic cultural and political cooperation, and during the 1860s some people even suggested the possibility of a new three-nation monarchy. The Scandinavian movement should be seen in connection with the prospect of a unified Germany, and the movement collapsed after Prussia's conquest of Schleswig-Holstein in 1864. It was within the academic milieu at this time that the idea of the Union of Calmar as a Nordic response to German expansionism was conceived. This idea remains popular.

But even if the national theme has been strongly influential among historians in all Nordic lands, it has not gone unchallenged. The Nor-

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[8] *Dronning Margrethe og Kalmarunionens Grundlæggelse* (Copenhagen 1882, reprinted 1971) and *Erik af Pommern, hans Kamp for Sønderjylland og Kalmarunionens Opløsning* (Copenhagen 1901, reprinted 1971). See also Aksel E. Christensen op. cit. 1980, ref. Imsen 2002, p. 103, cf. S. Imsen, "Vivian Etting, Queen Margrete (1353–1412) and the Founding of the Nordic Union", in *Scandinavian Journal of History*, vol. 29, 2004, p. 289.

wegian historian Halvdan Koht (1873–1965), a Social Democrat who happened to be foreign minister when Germany attacked Norway in 1940, coined the concept "adelsskandinavisme" (aristocratic Scandinavianism), as he argued that the political unification of the Nordic countries during the late medieval period was a project initiated by the landowning upper classes. He asserted that the propertied classes, whose economic and social interests naturally transcended national boundaries, were the real advocates of the Nordic idea and subsequently the founders of the Union of Calmar.[9]

Very few people, if any, support Koht's view on the role of the nobility in the founding of the union in the fourteenth century. Most Nordic historians today consider the founding of the union as a result of dynastic interests and struggles. Many, however, would agree that aristocratic Scandinavianism was also an important element in the evolution of the union during the fifteenth century. The relationships between nobility and monarchy and between dynasty and aristocracy can rightly be considered the leading theme in current historical research. The Swedes were the first to adopt this perspective as seen in the work of Erik Lönnroth, who has had a lasting influence on the research.[10]

According to Lönnroth, the main problem of the union was that from its establishment in the 1390s until its disintegration in 1523, there was a permanent struggle between a royal family (that wished to transform the union into a federal state) and a Nordic nobility (in particular Swedish and Danish) that preferred a constitutional, loose confederation of self-governing kingdoms. Lönnroth, using late medieval concepts, describes the conflict as one between a *regimen regale* and a *regimen politicum*, not one between nation and union. The strong monarchy dominated the union's development until the 1430s, when the idea of a constitutional model gained momentum. The final phase of the struggle, however, was marked by renewed rivalry between *regimen regale* and *regimen politicum*, though this time it ended in open warfare, with the status of Sweden as the bone of contention.

Most contemporary historians accept Lönnroth's argument. These include the Danish Aksel E. Christensen and the Norwegian Lars Hamre as well as their younger students.[11] Their *introspective Nordic perspective*

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[9] "Det nye i norderlensk historie kringom 1300", *Scandia*, vol. IV, Lund 1931.

[10] *Sverige och Kalmarunionen 1397–1457*, Göteborg 1934, new edition 1968.

[11] See for example Michael Linton, *Drottning Margareta fullmäktig fru och rätt husbonde*, Århus 1971, Steinar Imsen, *Avfolkning og union, Cappelens Norgeshistorie* vol. IV, Oslo 1977,

is the common denominator in all these perceptions about the late medieval union. It is tempting to view this as a fixed Nordic idea about the region's political development in the late medieval period. This view does not exclude a consideration of the relations with the immediate neighbors of the Nordic countries, such as the German Hanseatic League, the counts of Holstein, and the dukes of Mecklenburg. These phenomena could be reduced to problems dealing with the boundaries of the Nordic region. In recent years historians (primarily Danish) have placed Nordic power politics into a larger regional context that includes the North German and Baltic areas—a point to which I will return.[12] The traditional Nordic introspection is still evident in the new multivolume *Cambridge History of Scandinavia*, which seems to me to lack the broad perspective needed to write late medieval Nordic history from a new point of view.[13] The question remains whether there are good alternatives to the traditional approach to the Union of Calmar.

The Union of Calmar, a Nordic Conglomerate State

Our task must be to shape an adequate definition of the Nordic union, politically, nationally, and geographically. How is late medieval Norden to be understood geographically and politically, and what was the relationship between this Norden and the greater northern European region to which it belonged?

None of the three united kingdoms was itself a national entity or unitary state in the Middle Ages. Norway was a conglomeration of peoples and territories, stretching from Greenland in the west to the Göta River in the southeast. Until 1468/69 the islands of Orkney and Shetland were still parts of the Norwegian kingdom, while the Hebrides and Man belonged, in principle, to the Norwegian church until 1472. Sweden included most of present day Finland, and Denmark saw a growing German population in the southern border-province of Schleswig in the thirteenth century moving northwards into Jutland. Until the end of the 1340s Estonia was part of the Danish monarchy and parts of the southern Baltic still maintained an ecclesiastical

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Esben Albrechtsen, *Fællesskabet bliver til 1380–1536*, vol. 1 of *Danmark-Norge 1380–1814*, Oslo 1997, and Eldbjørg Haug op. cit.

[12] See for example Albrectsen op. cit. 2001 and Anders Bøgh, *Sejren i kvindens hånd. Kampen om magten i Norden ca. 1365–89*, Århus 2003.

[13] Ed. Knut Helle, Cambridge 2003.

connection in the sixteenth century. Denmark's constitution covered a bundle of landscapes with their own provincial law-codes. The whole Danish kingdom did not get a national law code until the 1680s, and all through the Middle Ages Schleswig shared a law-code with the rest of Jutland. By contrast, Norway established its national law as early as the 1270s, and this law was introduced in its overseas provinces before 1300. The Norwegian law code was not abolished in Shetland and Orkney until 1611. Sweden, too, established a national law-code in the Middle Ages, though a bit later than Norway, around 1350. The political unification of Sweden would prove a long, slow process, which was not completed until the time of Gustavus Vasa (1523–60). The northern parts of Fenno-Scandinavia were still a vast frontier in 1700 with a mixture of agrarian settlers and migrant peoples subject to taxation from Norway, Sweden, and Russia but not considered Norwegian, Swedish, or Russian subjects as such. Parts of the Lapp population remained pagan into the eighteenth century.

It is complicated to define the Union of Calmar constitutionally and institutionally. A proper constitution or treaty of union for all three countries was never concluded, and no adequate union representation or union administration for all three kingdoms was ever established. The three-nation union should be understood in terms of a joint monarchy and the body of treaties that regulated relations between the king and his realms.[14] In other words, we need to focus on the union's monarchy, its politics, organization, and social basis in order to attain a clearer understanding of the Union of Calmar.

As mentioned above, it is common today for historians to view the creation of the union in terms of dynastic rivalries. As the losing party, the House of Mecklenburg is seen as representing German interests, while the victorious dynasty of Queen Margaret is seen as representing the Nordic (or Danish) interests that were able to check further German expansion in Scandinavia. There is no reason, however, to claim that Eric of Pomerania, Margaret's candidate to the union's throne in

[14] The bilateral union between Denmark and Norway is a subject of its own, which we will not go into further here. This union was a body of treaties regulating the relations between the two countries and eventually served as a basis for the development of an independent west Scandinavian state. For more, see Imsen op. cit. 2002, ref. Harald Gustafsson, *Gamla riken, nye stater. Statsbildning, politisk kultur och identitet under Kalmarunionens upplösningsskede 1512–1541*, Stockholm 2000. When it comes to Schleswig and Holstein, these principalities were not parts of the Nordic union's monarchy, but entered into a union with Denmark, from the time when the Danish king in 1460 was also recognized as the ruler of the united principalities.

1397, was more Nordic than his rival, Albert of Mecklenburg. With respect to Margaret herself, her Danish or Nordic origins seem rather tenuous, even if she was the daughter of a Danish king and married into the Norwegian royal family. Valdemar, Margaret's father, was the son of King Christopher II, who in turn was the half-brother of the German count John of Holstein. Valdemar spent his childhood at the court of Ludwig of Bavaria, and his sister Margaret married the son of Emperor Ludwig, another Ludwig, the margrave of Brandenburg. Valdemar spent long periods of time in German territories. His mother, Eufemia, was the daughter of a Pomeranian prince, and Valdemar married Helwig, the daughter of the duke of Schleswig. Valdemar had just arrived in Denmark when he acceded to the throne in 1340 and in reality he owed his crown to a group of German princes, who were the *de facto* rulers at the time.

Both of the rival dynasties belonged to several leading German princely houses, as did the first two of the union's monarchs, Eric and Christopher, who by all counts ought to be considered Germans (in spite of Eric's moving to Norway at a relatively early age and being brought up in the Danish court). The subsequent kings of the union also had strong ties to Germany. These were the kings of the House of Oldenburg, who maintained the union's throne until 1523 and continued thereafter to rule for several centuries as Danish-Norwegian kings, dukes of the united Schleswig-Holstein, and counts of Oldenburg. The father of King Christian I was Didrik, count of Oldenburg, and his mother, Hedwig, was the sister of count Adolph VII of Holstein.[15] Christian was lawful heir to Holstein after his uncle, and that was the reason why he was elected Danish king in 1449. Also, he was willing to marry King Christopher's widow, Dorothea of Brandenburg, who brought to the marriage claims from a dowry, which consisted of provinces, towns, and estates in all three kingdoms. In subsequent royal marriages through the fifteenth century, an even stronger orientation towards Germany and its principalities is evident.[16] From the time of Eric in the fourteenth century, the union's kings had combined the roles of monarch with prince of one or more German "lands." Eric himself was to end his days as a Pomeranian duke. The mother tongue

[15] Poul Enemark, *Fra Kalmarbrev til Stockholms blodbad*, p. 152, Copenhagen 1979.
[16] Steinar Imsen, "Late Medieval Scandinavia Queenship", in A. Duggan (ed.) *Queens and Queenship in Medieval Europe*, Woodbridge 1997.

of both Eric and Christopher was probably German, or, in the case of Eric, more precisely Low German**,** which served as a lingua franca in Norden and the Baltic during the late medieval period.

In general, the union's monarchs pursued two main political objectives: one was to transform the union into a dynastic state; and the other was to gain regional control of the Baltic Sea area. These aims were pursued with varying degrees of vigor and success throughout the period. The Baltic Sea policy would remain important in the struggle between Denmark-Norway and Sweden that lasted until the mid-seventeenth century, when Sweden became the dominant power in Norden, the Baltic Sea region, and northern Germany.

The foreign policy of the union's monarchy should be seen as a continuation of a Danish imperialist tradition, which during the twelfth century led the Danish monarchy to be increasingly tangled in German politics. And even though the Danish dominance of the Baltic Sea suffered a setback following the victory of Valdemar II in the early thirteenth century, it gained renewed relevance towards the turn of the century during the reigns of Eric Menved and Christopher II, father of King Valdemar IV (Atterdag). As we have seen earlier, it nearly ended in a catastrophe during the 1330s.

Valdemar IV, Queen Margaret's father, pursued the same policy after 1340. For him it was important not only to reunite the Danish territories, including Schleswig, and reinvigorate monarchic power, but also to win strategic footholds in the Baltic region. More than anything else, Valdemar was a strategic player within German dynastic and territorial politics. It almost went wrong this time as well, when in 1368 the German Hanseatic League formed a united front against Valdemar and his ally, his Norwegian son-in-law Hakon. Valdemar spent his last years in exile at various German courts. Despite Margaret's more careful handling of the relations with the north German princes and the Hanseatic cities, the control of Schleswig was no less important to her; and after Eric of Pomerania became the *de facto* ruler of the union in 1412, the Baltic Sea again topped the agenda.[17] Even if Eric's Baltic Sea imperialism fared no better than the previous ones, his successors maintained his political objective.

There is every indication that after 1440 the union's kings increasingly saw themselves as members of the world of German princes, to

[17] Albrectsen 2001, pp. 93–215.

whom they were tied by a sophisticated network of family bonds and political interests, and whose political culture they shared. After 1460, they were themselves; in fact, German territorial rulers, and the union boundaries were in many ways extended from the River Kongeåen to the River Elbe. The issue concerning the status of Schleswig, which had been a problem since the time of King Valdemar IV, had admittedly been resolved through the union treaty of 1460, but there is reason to believe that the German political and cultural influence was strengthened in the Nordic countries during the fifteenth century. Apart from the battle for Sweden, which essentially was a matter of union politics, the foreign policy of the union up to 1523 focused on the regions of Northern Germany and the Baltic.

The transformation of the union into a dynastic territorial state began immediately after the Calmar negotiations in 1397, when the aristocracy—in particular those of Sweden and Denmark—failed in their attempt to create a union based on *regimen politicum*. The growth in the powers of the royal state would continue with only minor interruptions throughout the period. Thus, the switch to *regimen politicum* and a more confederate union after 1442/1448 did not prevent the monarchs building up a united state. (The term *state* is used here to denote the administrative and political apparatus that evolved around the union's monarchs.) There was no real alternative to the royal administrative apparatus, which mostly acted on behalf of the king himself and his nearest and most loyal councilors, and which was beyond control by the national councils in Sweden and Norway. The increasingly advanced central administration in Copenhagen controlled even the most remote of the union's provinces from about 1420. According to the Danish historian Jens Olesen, Christopher of Bavaria sought to reform the central administration based on the model in his German lands; these administrative reforms were carried on after Christian of Oldenburg's takeover in 1449.[18] A large number of Germans—essentially from Schleswig-Holstein—were given positions at the royal court or around in the "len" (i.e. administrative districts) of Norway and Sweden. These people were popular neither with Norwegian and Swedish aristocrats

[18] William Christensen, *Dansk Statsforvaltning i det 15. Århundrede*, Copenhagen 1903, Henrik Lerdam, *Danske len og lensmænd 1370–1443*, Copenhagen 1996; Jens E. Olesen, "The Governmental System in the Union of Calmar 1389–1439" in T. Riis (ed.) *Studien zur Geschichtedes Ostseeraumes*, vol. 1, Odense 1995; idem, "Fra middelalderen til 1536" in L. Jespersen et al. (eds.) *Dansk forvaltningshistorie* vol. 1, Copenhagen 2000; S. Imsen 2002, pp. 58–76.

nor with members of the traditional rural elite, who had dominated the local administration and now felt threatened by the foreign bailiffs. These foreigners showed little respect for national law and local customs. Several of the largest rebellions in the Nordic countries after 1430 were directed against these "foreign" servants of the king.[19] After 1457, the Swedes started behaving increasingly more independently of the government in Copenhagen. The union-state that was taking shape in the second half of the fifteenth century thus came to include primarily Schleswig-Holstein, Denmark, and Norway along with Iceland and the Faeroe Islands. This state was largely based on new elite—many of whom were of German origin—whose positions depended on their loyalty to the monarch.

Danish historians most often refer to the union's state as a Danish national phenomenon, which is totally misleading. A Danish nation state hardly existed before 1864, and it is more than doubtful that the policy of the union's monarchs reflected Danish national interests. At the heart of the policy were the dynasty and *its* interests, not those of a single nation, even if the capital of the union was to be found in Denmark. Undoubtedly, this period witnessed the dawning of nationalistic feelings—or perhaps rather patriotism—in the Nordic countries. One commonly defined oneself in contrast to others, in Norden as well as on the continent. The Danish were thus highly suspicious of the Germans, and the Norwegians and Swedes found it hard to tolerate royal officers of Danish or German ancestry. If we ignore the academic Scandinavianism of the mid-nineteenth century, we find no traces of a common Nordic patriotism or even a common identity either in the late Middle Ages or in later times. We find it neither among the political elites nor at the popular level. Among Nordic peoples, concepts such as the Nordic countries or Norden were absolutely unheard of. The union was not even referred to as a union, but as a friendly relationship or peace, in official documents the term "the three kingdoms" is most common.

To summarize, the Nordic union was a joint monarchy, and it should be understood in terms of a dynastic state, which consisted of a conglomerate of different nationalities, each with its unique history, culture,

[19] S. Imsen, "Oslofjordbygdene som politisk og sosialt stormsentrum under Erik av Pommern", in *Vestfoldminne* 1997, cf. S. Imsen and G. Vogler, "Communal Autonomy and Peasant Resistance in Northern and Central Europe", in Peter Blickle (ed.) *Resistance, Representation and Community*, Cambridge 1997.

social systems and language. In this light one could consider the Union of Calmar a German-Nordic agglomeration similar to Burgundy or the Habsburg monarchy.

Even if the state was not national in the modern sense, the governmental offices the court and the local administrative units were all dominated by Germans from Schleswig-Holstein, and Low German (Plattdeutsch) was the language of the political elite and the urban dwellers, at least in large cities such as Copenhagen, Malmö, Stockholm, and Bergen. In addition, connections to the German parts of the state became increasingly important, and this ultimately led to the union's demise. Here I am thinking of the unsuccessful attempt of King Hans to conquer Ditmarschen in 1499 and the rebellions that followed in Sweden and Norway, events that go beyond the scope of this paper. The German influence continued to expand in Denmark and Norway during the following centuries.

The German influence went well beyond the court and the political elite, and the union monarchy was a factor, but not the only one, in what could be referred to as the Germanization of the Nordic countries. The Hanseatic League, which during the same period unified Norden, Northern Germany, and the Baltic into a kind of common market, was probably just as important in the everyday life of the general public as was the state, at least in parts of Norden such as northern Norway. The Hanseatic League not only made use of Norwegian, Swedish, German, and Danish resources, but it also affected what had primarily distinguished the Nordic peoples from the other peoples of the region: their language. Low German, the language of both the traders and the German-born administrators, effectively contributed to the reconstruction of the Nordic languages. According to Vibeke Winge, Low German and Germans had an important influence on all classes of Danish society, except the peasantry.[20] Only the parts of Norden furthest removed from Copenhagen and Lübeck, such as Iceland and the

[20] "Hanseater og plattysk påvirkning af dansk sprog i senmiddelalderen", in *Danmark og Europa i senmiddelalderen* (eds. Per Ingesman and Bjørn Poulsen), Århus 2000, p. 334; "Dansk og tysk i 1700-tallet", in *Dansk identitetshistorie vol. 1: Fædreland og modersmål 1546–1789* (ed. Ole Feldbæk), Copenhagen 1991, pp. 89–110. Cf. Ernst Håkon Jahr (ed.), *Språkkontakt i Norden i middelalderen, særlig i Hansatiden*. Skrift nr. 1 fra prosjektet *Språkhistoriske prinsipper for lånord i nordiske språk* under Nordisk Ministerråds forskningsprogram Norden og Europa, Nord 1998:4, Copenhagen; idem (ed.), *Språkkontakt—innverknaden frå nedertysk på andre nordeuropeiske språk*. Skrift nr. 2 frå prosjektet *Språkhistoriske prinsipp for lånord i nordiske språk*, Nord 2000:19, Copenhagen.

Faeroe Islands, were able to maintain their traditional languages. The late medieval German influence shaped the present Nordic languages in many ways.

To conclude: at the latest, since the union treaty in 1460 between King Christian I of Denmark-Norway and a united Schleswig-Holstein, Norden would be anchored in Germany and vice versa for centuries. Until 1864 the River Elbe marked the southern border of the Danish monarchy. The Reformation meant further cultural and political integration between the two most Lutheran parts of Europe, which helps to explain intervention in the Thirty Years' War, first, by the Oldenburg King Christian IV and, second, by King Gustavus Adolphus of Sweden. The subsequent Swedish conquests enlarged what we might perceive as an integrated Nordic-German-Baltic region in early modern Europe, which started to disintegrate after 1720 and almost vanished during the Napoleonic wars. It was the founding of the Nordic union at the end of the fourteenth century that paved the way for this development.

The integration of a larger part of Northern Germany into Norden, however, did not cause a "Scandinavization" of Germany, but rather a "Germanization" of Norden. The German influence continued to grow during the sixteenth and seventeenth centuries. At all levels of the state, the late medieval union-state as well as the early modern Oldenburg- or Vasa-states, we find Germans in leading positions. The royal houses and the royal courts were or became totally, or almost totally German, and German language and culture gained a dominant position in society, at least prior to the last decades of the eighteenth century. Thus, the difference between the Baltic and Eastern-Central Europe, on the one hand, and Norden, on the other, with respect to German political, cultural, and economic domination in this period is rather one of degree than one of kind, at least until the partition of Poland at the end of the eighteenth century. The formation of modern nation states in Norden in the nineteenth century and the unification of Germany are probably the two single factors that have caused contemporary Nordic historians—and the Nordic public as well—to repress a Nordic past that did not cope with the new national ideals, and to conjure up the idea of a unique Norden.

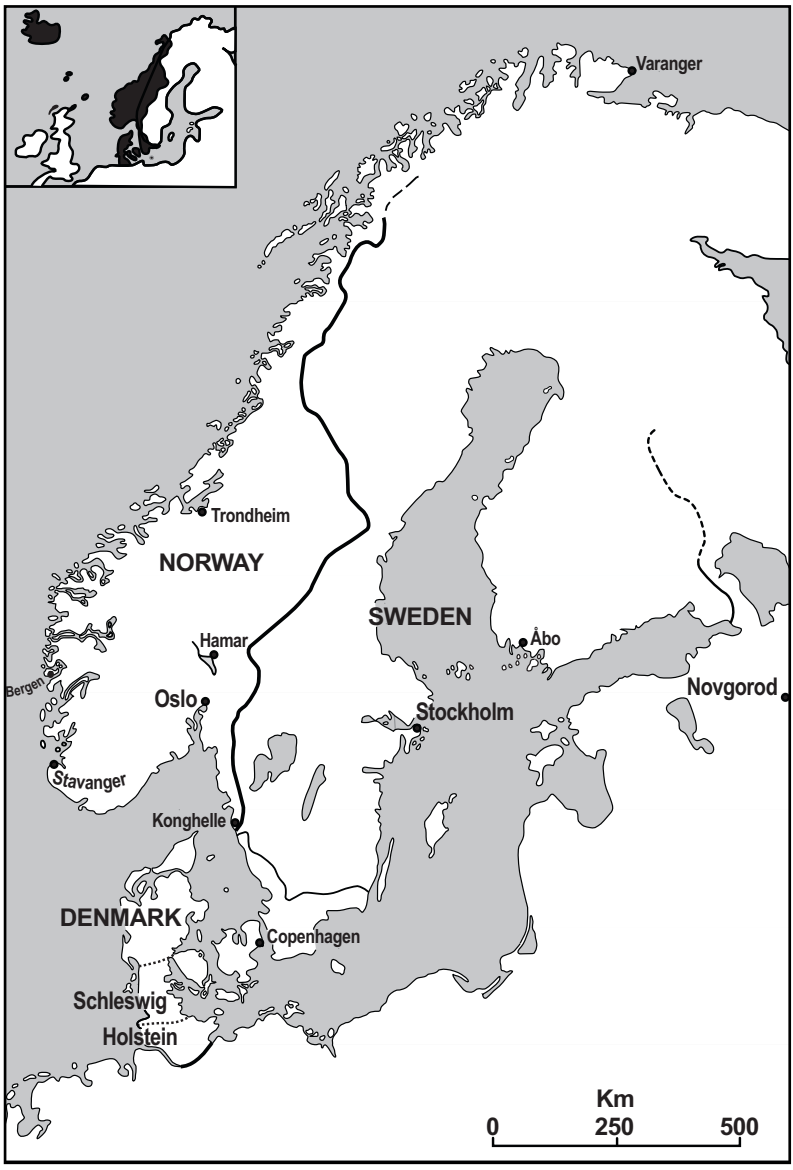

Fig. 1. Map of Norden in 1536.*

* In 1536 the Union of Calmar was permanently split into two states. The western, so-called Oldenburg state, comprised the kingdom of Denmark, including Gotland, the kingdom of Norway with its overseas provinces, Iceland and the Faeroes (Orkney and Shetland had been pawned to the Scottish crown in 1468 and 1469, and the Norse population of Greenland was probably gone by 1500), and the united duchies Schleswig-Holstein. The eastern kingdom of Sweden, which included Finland, was ruled by Gustavus Vasa, who was to be founder of a new royal house.

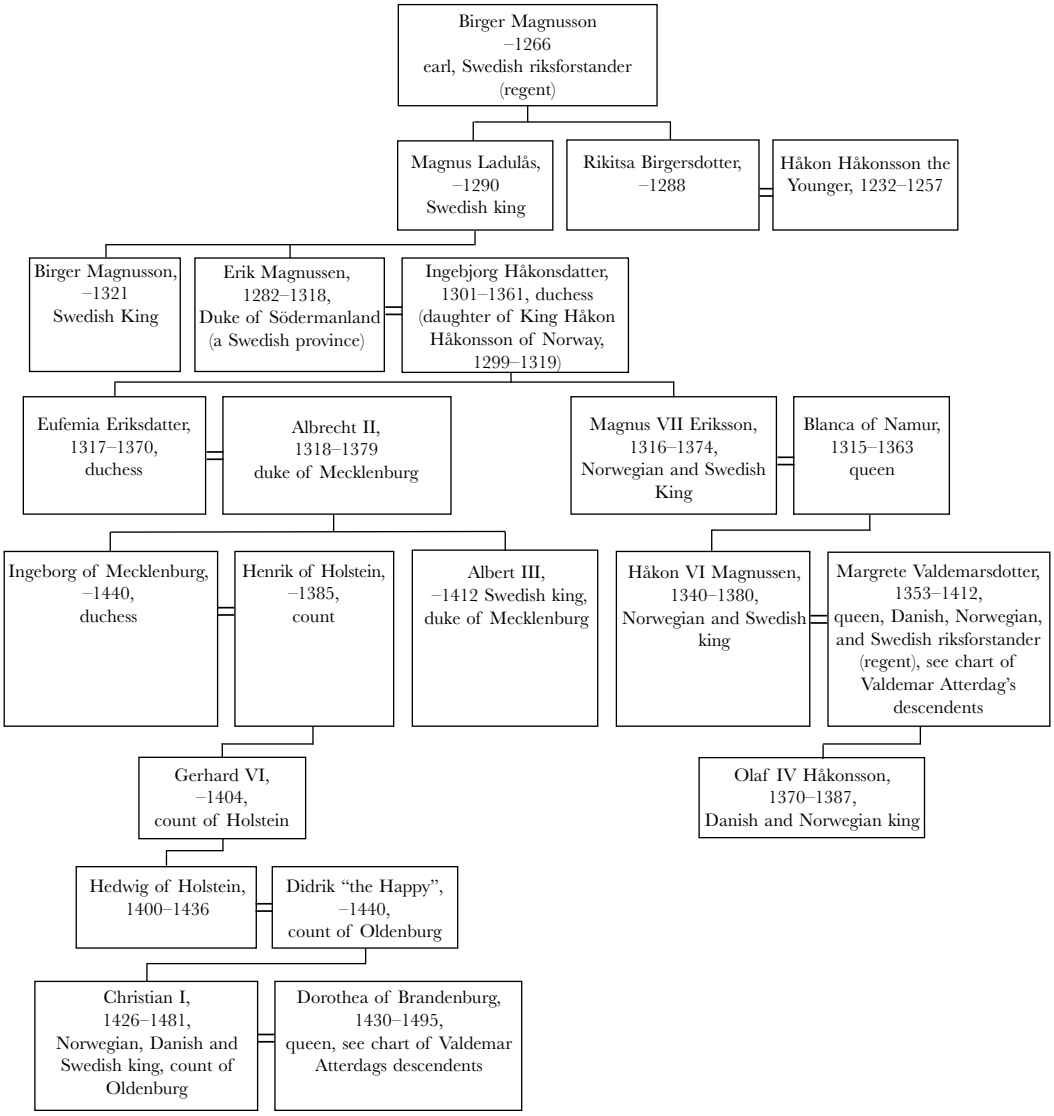

Fig. 2. Folkungeœtten Geneology.

In the century to come the Vasa-state would extend its borders to include Estonia, Livonia, parts of Prussia, Pomerania, the diocese of Bremen and the Danish diocese of Øsel and Dagø in the Baltic. By 1650 Norden politically comprised the Scandinavian peninsula, Denmark, Finland, and a greater part of the Baltic and northern Germany. The interior of northern Fenno-Scandia was until the middle of the 18th century a huge frontier without fixed borders between Norway, Sweden and Russia. The map here is adapted from "Norsk utenrikspolitisk historie", vol. 1 (eds. Narve Bjørgo, Øystein Rian, Alf Kaartvedt), Universitetsforlaget, Oslo 1995.

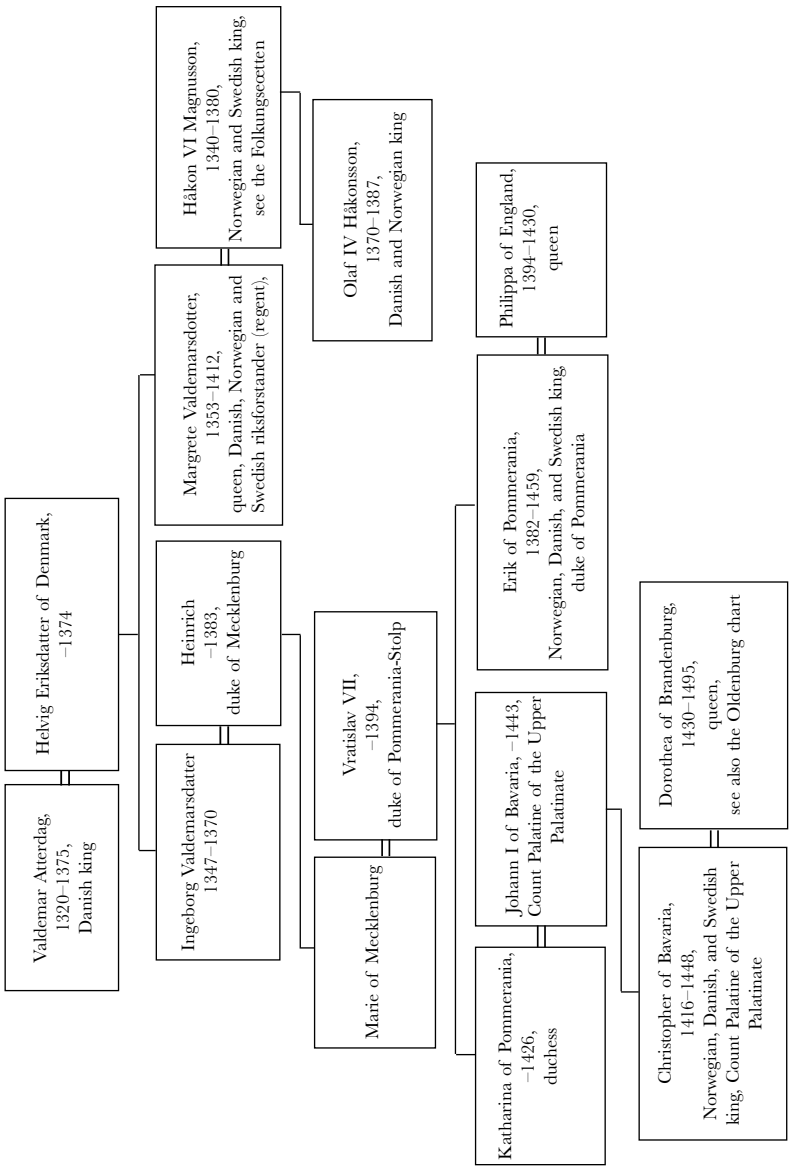
Valdemar Atterdag, 1320–1375, Danish king
Helvig Eriksdatter of Denmark, –1374
Ingeborg Valdemarsdatter 1347–1370
Heinrich –1383, duke of Mecklenburg
Margrete Valdemarsdotter, 1353–1412, queen, Danish, Norwegian and Swedish riksforstander (regent),
Håkon VI Magnusson, 1340–1380, Norwegian and Swedish king, see the Folkungaetten
Olaf IV Håkonsson, 1370–1387, Danish and Norwegian king
Marie of Mecklenburg
Vratislav VII, –1394, duke of Pommerania-Stolp
Erik of Pommerania, 1382–1459, Norwegian, Danish, and Swedish king, duke of Pommerania
Philippa of England, 1394–1430, queen
Katharina of Pommerania, –1426, duchess
Johann I of Bavaria, –1443, Count Palatine of the Upper Palatinate
Christopher of Bavaria, 1416–1448, Norwegian, Danish, and Swedish king, Count Palatine of the Upper Palatinate
Dorothea of Brandenburg, 1430–1495, queen, see also the Oldenburg chart

Fig. 3. Valdemar IV Atterdags Descendents.

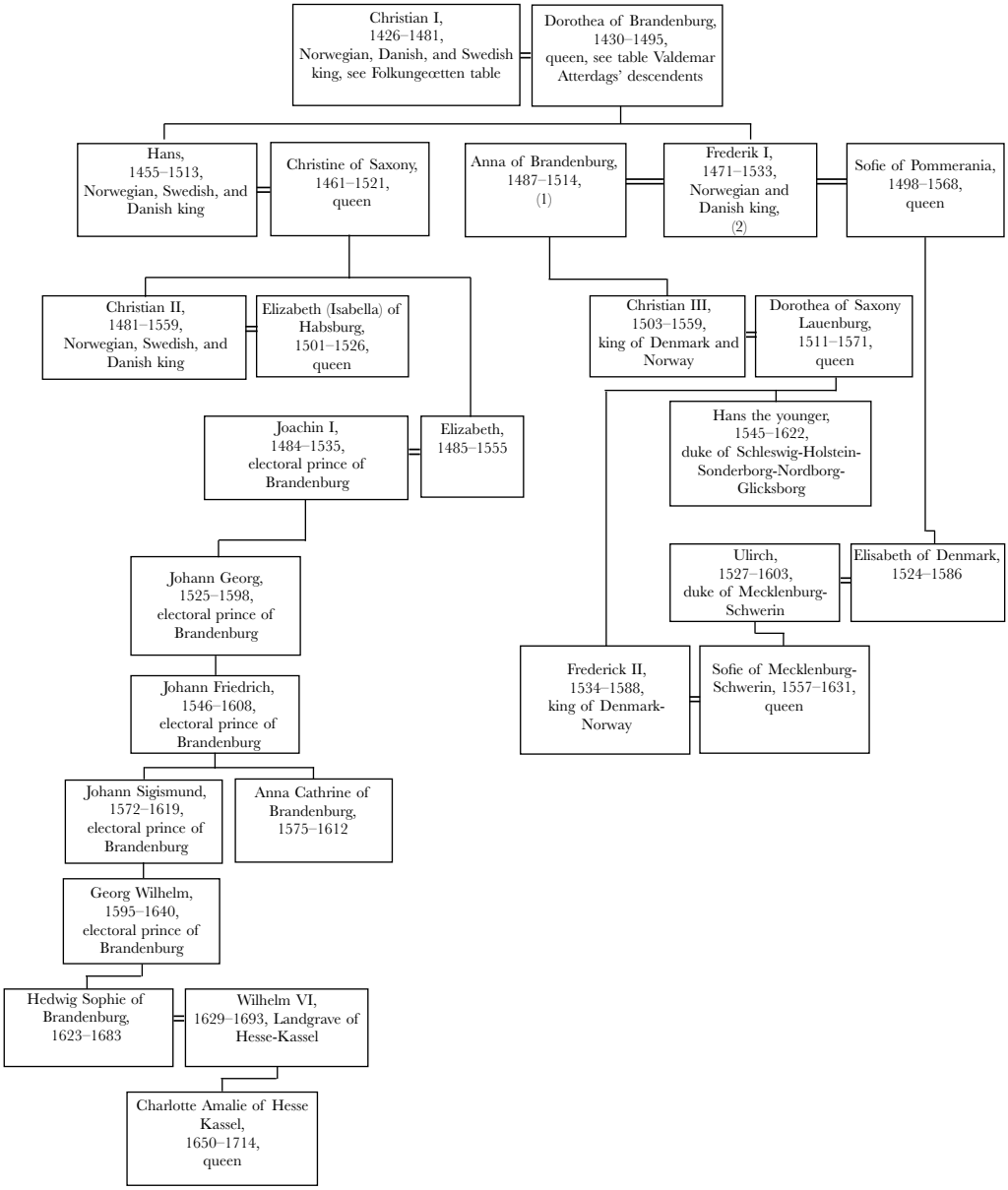
Christian I, 1426–1481, Norwegian, Danish, and Swedish king, see Folkungeœtten table
Dorothea of Brandenburg, 1430–1495, queen, see table Valdemar Atterdags' descendents
Hans, 1455–1513, Norwegian, Swedish, and Danish king
Christine of Saxony, 1461–1521, queen
Anna of Brandenburg, 1487–1514, (1)
Frederik I, 1471–1533, Norwegian and Danish king, (2)
Sofie of Pommerania, 1498–1568, queen
Christian II, 1481–1559, Norwegian, Swedish, and Danish king
Elizabeth (Isabella) of Habsburg, 1501–1526, queen
Christian III, 1503–1559, king of Denmark and Norway
Dorothea of Saxony Lauenburg, 1511–1571, queen
Joachin I, 1484–1535, electoral prince of Brandenburg
Elizabeth, 1485–1555
Hans the younger, 1545–1622, duke of Schleswig-Holstein-Sonderborg-Nordborg-Glicksborg
Ulrich, 1527–1603, duke of Mecklenburg-Schwerin
Elisabeth of Denmark, 1524–1586
Johann Georg, 1525–1598, electoral prince of Brandenburg
Frederick II, 1534–1588, king of Denmark-Norway
Sofie of Mecklenburg-Schwerin, 1557–1631, queen
Johann Friedrich, 1546–1608, electoral prince of Brandenburg
Johann Sigismund, 1572–1619, electoral prince of Brandenburg
Anna Cathrine of Brandenburg, 1575–1612
Georg Wilhelm, 1595–1640, electoral prince of Brandenburg
Hedwig Sophie of Brandenburg, 1623–1683
Wilhelm VI, 1629–1693, Landgrave of Hesse-Kassel
Charlotte Amalie of Hesse Kassel, 1650–1714, queen

Fig. 4. Oldenburg Geneology.

SOME PECULIARITIES OF EMPIRE IN THE EARLY MODERN ERA

Carina L. Johnson

In an essay written just before his move to the University of California at Berkeley, Thomas Brady assessed the theory of a German *Sonderweg* beginning in the sixteenth century. Brady argued that "the long survival of the Holy Roman Empire's late-medieval characteristics—a traditional monarchy, small states, close union of religion and governance, and communalism—mocks every notion of a new departure, turning point, or *Sonderweg* among the German-speaking peoples before 1800."[1] These four characteristics, all political and religious manifestations of the Germanys' structural peculiarities, demonstrated elastic vigor at the beginning of the sixteenth century. Brady proposed that, rather than a *Sonderweg*, the Germanys sidestepped western European state-building trajectories for several centuries by reinvesting in these characteristics. Examining each characteristic in turn, Brady began with the imperial monarchy and its structural revitalization. At the turn of the sixteenth century, emperors Maximilian I and Charles V reorganized the Holy Roman Empire's bureaucratic organs, developing judicial, fiscal, and military institutions and structures that would persist until the nineteenth century. The second characteristic, small states, has long been recognized as a jurisdictional peculiarity of the Holy Roman Empire. The third, the union of religion and governance, has been studied extensively in its early modern form of confessionalization. Brady's discussion of the fourth characteristic, communalism, was the

[1] Thomas A. Brady, Jr., "Some Peculiarities of German Histories in the Early Modern Era," *Communities, Politics, and Reformation in Early Modern Europe* (1992; reprint, Leiden: Brill, 1998), pp. 407–29, here p. 411. On pp. 421 and 428, Brady noted his divergence from Heinz Schilling over the characteristic communalism. For Schilling's position see "Die Konfessionalisierung in Reich," *Historische Zeitschrift* 246 (1988): 1–45 and "Die deutsche Gemeindereformation," *Zeitschrift für historische Forschung* 14 (1987): 325–33 revised as "Confessionalization in the Empire" and "Communal Reformation" in *Religion, Political Culture and the Emergence of Early Modern Society* (Leiden: Brill, 1992), pp. 205–45 and pp. 189–201. To emphasize his inclusion of all the German-speaking lands in his analysis, Brady adopted a plural term 'Germanys', a practice which I follow here.

core of his essay on the peculiarities of German history. He located the strength of communalism not only in its structural existence but also in the "powerful demonstration effect"[2] it had outside the geographic areas where it flourished. As an articulated political language in the early sixteenth century, communalism proved crucial to subsequent events: it promoted widespread acceptance of a religious Reformation that incorporated its ideals.

Brady's analysis of communalism focused on both its structural and its ideational importance. Adopting Brady's emphasis on dual significances, the present essay revisits the first-listed of Brady's characteristics, the imperial monarchy. It argues that beyond institutions and structures, the ideal of empire itself was important for the history of the sixteenth century, in the Germanys and in Europe more broadly. Like communalism, the "non-national" imperial monarchy drew on a "medieval" concept[3]—the universal monarchy or world empire—and reinvigorated it in both political and religious arenas in the early sixteenth century. The developed idea of empire provided a lens for conceptualizing the world. Although the political ideal of the universal monarchy would not continue to flourish in the second half of the sixteenth century, the idea framed Habsburg expansionism within and outside Europe during the first half. For Charles's court officials and for his interested subjects in the Germanys and Iberia, it gave shape and weight to projects and ambitions of empire.

During the late medieval struggle between papal and imperial authorities, the concept of universal monarchy or world empire had played an important role. Dante Alighieri's *De monarchia* (1313) had reshaped the medieval ideal of a universal monarchy to bolster Ghibbelline claims of imperial authority. Dante proclaimed that the monarch would renew the world empire (formerly the Roman Empire) and lead all peoples to a new era of peace and justice founded on Christian virtues. Importantly for contemporary debates on power, the ruler of the universal empire would be the preeminent authority in the world, independent of the papacy.[4] Debates over the balance of imperial and

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[2] Brady, "Peculiarities," p. 418.

[3] Brady, "Peculiarities," p. 411.

[4] Frances Yates's "Charles V and the Idea of Empire," *Astraea* (London: Routledge, Kegan and Paul, 1975), pp. 1–28 is a seminal article. Anthony Pagden, "Instruments of Empire," in *Spanish Imperialism and the Political Imagination* (New Haven: Yale University Press, 1990), pp. 37–63 expanded upon her work. Both the imperial ideal and

papal authority continued into the fifteenth century, as the papacy was first weakened by conciliarism and then, during the second half of the century, regained its independence from church councils and secular authorities. At the beginning of the sixteenth century, the language of universal monarchy reemerged in a variety of contexts. Historians have described these reappearances as rhetorical flourishes variously inspired by the neo-Platonic conceits of the papal court, the overreaching dreams of Maximilian I and his propagandists, or the canny justifications of an avaricious Hernán Cortés.[5] Yet Habsburg promoters of the universal empire aspired to make the ideal tangible, an empire greater than the Holy Roman Empire from which it would evolve.[6] In Charles V's court, that redefined ideal would be instantiated in multiple forms.

In the 1510s, humanists at Charles V's Burgundian court heralded the idea of their young sovereign Charles V as the universal monarch.[7] When Luigi Marliano delivered a speech about Charles's V future world empire to the Order of the Golden Fleece in 1516, Charles's possessions were extensive. He had inherited his Iberian and Burgundian

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communalism developed their political importance in the Germanys at the beginning of the fourteenth century.

[5] John W. O'Malley, *Giles of Viterbo on Church and Reform* (Leiden: Brill, 1968); Ingrid Rowland, *The Culture of the High Renaissance* (Cambridge: Cambridge University Press, 1998); Claudia Lazzaro, "Animals as Cultural Signs," in *Reframing the Renaissance*, ed. Claire Farago (New Haven: Yale University Press, 1995), pp. 197–228; Hermann Wiesflecker, *Kaiser Maximilian I*, vol. 5 (Munich: Oldenbourg, 1986); Viktor Frankl, "Die Begriffe des mexikanischen Kaisertums und der Weltmonarchie in den *Cartas de Relación* des Hernán Cortés," *Saeculum* 13 (1962): 1–34.

[6] Yates emphasized the importance of the ideal as inspirational "phantom" on pp. 1–2 but focused on other courts in the remainder of *Astraea*.

[7] Mercurino de Gattinara is now held to be the main author of the policy. See John Headley's influential study, "The Habsburg World Empire and the Revival of Ghibellinism," *Medieval and Renaissance Studies* 7 (1978): 93–127; Franz Bosbach, *Monarchia universalis: ein politischer Leitbegriff der frühen Neuzeit* (Göttingen: Vardenhoeck & Ruprecht, 1988); Anthony Pagden, *Spanish Imperialism* and *Lords of all the World: Ideologies of Empire in Spain, Britain, and France c. 1500–c. 1800* (New Haven: Yale University Press, 1995), as well as Karl Brandi's *Kaiser Karl V* (Munich: F. Bruckmann, 1937–8). Also Earl Rosenthal, "The Invention of the Columnar Device of Emperor Charles V at the Court of Burgundy in Flanders in 1516," *Journal of the Warburg and Courtauld Institutes* 36 (1973): 198–203, here 221–3 and John M. Headley, "Rhetoric and Reality: Messianic, Humanist, and Civilian Themes in the Imperial Ethos of Gattinara," in *Prophetic Rome in the High Renaissance Period*, ed. Marjorie Reeves (Oxford: Clarendon Press, 1992), pp. 242–252. For Spanish contributions to the ideal, see Ramón Menéndez Pidal, *Idea imperial de Carlos V* (Buenos Aires: Espasa-Calpe, 1941); José Antonio Maravall, *Carlos V y el pensamiento político del Renacimiento* (Madrid: Instituto de Estudios Políticos, 1960); and J.A. Fernández-Santamaría, *The State, War and Peace: Spanish Political Thought in the Renaissance, 1516–1559* (Cambridge: Cambridge University Press, 1977).

grandparents' territories, ranging from the kingdom of Castile and the duchy of Burgundy to outposts in northern Africa and in Caribbean Hispaniola, and he was expected to inherit his Habsburg grandfather's territories in central Europe. Charles's advisors celebrated the expanding empire whenever possible, as part of their propaganda campaign to promote Charles's candidacy for the position of next Holy Roman Emperor. With Charles's election in 1519, the vision of a world empire gained new force.[8] In a formal reply to news of the election, Charles's advisor and chancellor Mercurino de Gattinara emphasized the Holy Roman Empire's important legitimizing role: "the most just title of the empire is esteemed for attaining the entire world, as is made certain by the ordination of God Himself, by the prediction of the prophets, by the preaching of the apostles and by approval of our Redeemer Christ."[9] During the next dozen years of Charles's reign, his advisors energetically promoted the identification of Charles and his territories with universal empire. Yet how did they intend their audiences to understand these proclamations of the coming world empire? What might the limits of that empire, whether ideal or real, be?

During those initial years of rule, Charles's advisors certainly drew on the late medieval prophetic vision of world empire that Dante had outlined. Recent scholarship has argued that early sixteenth-century writers conceptualized the universal monarchy's territorial or geographic expanse as concurrent with Latin Christendom, or at most with the extent of Latin and Orthodox Christianity:[10] the envisioned state might more aptly be called the European rather than the universal monarchy. The concept of a Europe-wide empire, a Europe united under Charles V, was promoted for its strategic value: such a Europe would

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[8] Headley, "Habsburg World Empire," pp. 93–4 and Rosenthal, "Invention," p. 226. Marie Tanner discusses the prophetic language of Charles's election in *The Last Descendants of Aeneas: The Habsburgs and the Mythic Image of the Emperor* (New Haven: Yale University Press, 1993), pp. 109–13. Subjects also employed this language: in 1520, Conrad Peutinger greeted Charles on behalf of the city of Augsburg as "Caesarem Augustum et universi mundi dominum." Heinrich Lutz, *Conrad Peutinger* (Augsburg: Die Brigg, 1958), p. 162.

[9] John Headley, "Germany, the Empire and *Monarchia* in the Thought and Policy of Gattinara," in *Das Römisch-Deutsche Reich im politischen System Karls V*, ed. Heinrich Lutz (Munich: Oldenburg, 1982), pp. 15–30, quotes Gattinara on p. 18.

[10] Franz Bosbach's recent summary "The European Debate on Universal Monarchy," in *Theories of Empire, 1450–1850*, ed. David Armitage (Aldershot: Ashgate, 1998), pp. 81–98, emphasized this point, also surveyed in his earlier *Monarchia universalis*. The earlier work of Yates and Rosenthal gave no geographic limits in their discussions.

find the strength to stand against the Muslim Ottoman Empire.[11] Yet the universal monarchy was not simply an answer to the question of temporal versus ecclesiastical authority in Latin Christendom, nor was it an empire restricted to Europe in antagonism to the Muslim world. Instead, the writings of Habsburg officials and supporters revealed a broader view of the universal empire. The early sixteenth-century Habsburg vision of the universal monarch and his world empire incorporated another strand of thought, one reflecting the on-going exploration, territorial expansion, and cultural evaluation occurring beyond Europe and the Mediterranean. Charles's supporters drew on late medieval concepts of cultural evaluation and religious relativism to incorporate non-Christian peoples into their universal monarchy: they envisioned a global empire that could be religiously inclusive.

Charles's officials, both at his court and further down the ladder-rungs of imperial bureaucracy, explicitly extended the scope of universal monarchy beyond Christian Europe. In keeping with the continuing expansion of Charles's territories, his chancellor Gattinara framed the jurisdiction of universal empire as limitless. This scope was possible because Gattinara's understanding of imperial authority (*auctoritas*) included a rejection of imperial power as uniform or absolute, leaving space for multiple subordinate political entities and princes within the empire. This emphasis on *auctoritas* and an overarching, supra-political suzerainty rather than direct *dominium* had been developed in the Holy Roman Empire[12] and was well-suited to the political realities of that incorporative empire. For Gattinara, this definition could be applied to all territories within a Habsburg Empire of whatever size; he invoked the boundless empire regularly in addresses to estates and other formal bodies.

While Gattinara focused on legal jurisdictions, other officials emphasized the geographical scope of empire beyond any given continent in their discussions of the universal monarchy. Examples of their promotional arguments appeared in print, as they sought larger audiences than assemblies of councils and estates. The imperial secretary Alfonso de Valdés, Gattinara's close ally and collaborator, marshaled the ideal of universal monarchy to explain the Sack of Rome in 1527. The following

[11] Headley, "Germany." Bosbach provides a partial catalogue of texts, *Monarchia universalis*, pp. 46–50.

[12] Headley outlined this argument's genealogy in "Germany," pp. 29–30.

year, Valdés produced several apologetics for a wide audience.[13] In his efforts to justify the sack, Valdés promoted the notion of Charles as the destined emperor of the world. He began by directly addressing the question of imperial versus papal authority in the allegorical *Diálogo de las cosas ocurridas en Roma*. In this dialogue, Valdés affirmed that Charles's governing authority was independent of the papacy and argued that the sack of Rome was a consequence of the papacy's moral corruption.[14] The expansiveness of Valdés's concept became more clear in the related *Diálogo de Mercurio y Carón*, where the characters of Mercury and Charon interviewed souls of the recently deceased. In that dialogue, Valdés proposed that people from foreign lands, "Moors and Turks as well as Christians," would flock to place themselves under a just universal monarch once they had heard of his good governance.[15] For Valdés, then, the empire's scope would not be bounded by the limits of Latin Christendom. Other Habsburg supporters saw the world empire not only as a future possibility but also as a present jurisdiction. Jakob Köbel of Oppenheim, a mathematician and jurist, took this further step in his visionary text of 1532, *Glaubliche Offenbarung/wie vil fürtreffenlicher Reych vnd Kayserthumb auff erdtrich gewesen*.... Köbel had been a contributor to the print debate on the balance between papal and imperial authority since the 1510s,[16] and in 1532 he was unequivocal about the emperor's authority: there was no mediator between him and God, and thus he was not the pope's client. After describing the procedures of imperial elections and coronations, Köbel asserted that "heathens, Jews, and other foreign nations and people" were all subject to the Holy Roman Emperor as the emperor of the world.[17]

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[13] Yates, p. 12 and Marjorie Reeves, "A Note on Prophecy and the Sack of Rome (1527)," *Prophetic Rome in the High Renaissance Period*, ed. Marjorie Reeves (Oxford: Clarendon Press, 1992), pp. 276–7.

[14] Alfonso de Valdés, *Diálogo de las cosas ocurridas en Roma* ([1528]; reprint, Madrid, 1928), pp. 77–105.

[15] "Allende desto, muchas provincias, assí de moros y turcos como de cristianos, me embiaran a rogar que los tomasse por subditos, ofreciendo se de servirme y seguirme con toda fidel[i]dad" in Alfonso de Valdés, *Diálogo de Mercurio y Carón* (1528; reprint Madrid: Cátedra, 1999), p. 220. Admittedly, Valdés added that non-christians would be inspired to convert.

[16] Köbel's *Dialogus libertatis ecclesiastice defensorius cum Imperatorum sanctionibus* (Oppenheim, 1516) was prompted by the Fifth Lateran Council.

[17] Köbel explained the emperor is "on mitel von Got/vnd keinen anhang von vnserm heiligen vatter dem Babst habe/..." After the Roman King's election, he is "...ein Herre der welt genannt. Dann das Römisch reich ist das reich der welt/vnd beschleüßt in im/Heyden/Juden/vnd andere außlendische Nation vnd völcker" in

Beyond the spoken and written rhetoric of Charles's court and Habsburg supporters, the idea of world empire was disseminated throughout Charles's realms in visual forms. Charles's world-imperial iconography was evident wherever Charles's coat of arms appeared.[18] Charles's personal arms, a coat of arms flanked by the pillars of Hercules (the straits of Gibraltar) and his motto "Plus Ultra", often would be bordered by the many shields of his territories, overwhelming viewers with their array. Visual representations of empire, of course, were accessible to a broader range of people than were printed texts. On the occasion of Charles's anticipated first visit in 1520, Nuremberg city council deliberations revealed the extent of their efforts to make the imperial iconography accessible to all observers, whether literate or not. This first imperial visit had great significance for Nuremberg: customarily the newly-elected ruler would view the imperial regalia housed there and hold his first imperial diet. The city councillors ensured that Charles's expanding-empire iconography would appear in a multitude of places: they commissioned a new medal depicting the pillars of Hercules and twenty-seven of Charles's territories, proposing to translate the motto for the non-Latinists amongst them from "Plus Ultra" to the German "Noch Weiter".[19] The city council also commissioned a redecoration of the imperial castle quarters. On the reception room ceiling, the painter Hans Springinklee included the shields of Charles's territories, both real and claimed, over forty strong. The real included long-held Trastamara and Habsburg possessions as well as the new "Ocean Lands" and "Indian Islands"; the fictive and claimed territories included Jerusalem and Turcia, then held by the Ottomans.[20] The first printed Latin translation of Hernán Cortés's

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Glaubliche Offenbarung/wie vil fürtreffenlicher Reych vnd Kayserthumb auff erdtrich gewesen/wa das Römisch Reich herkomm/auß was ursach es zü den Edeln Teutschen verändert wordenn se… findestu inn disem büchlein zü eeren dem großmechtigsten Carolo dem fünfften Röm. Kay. angezaygt, [Augsburg: Steiner, 1532], F. Biv r.

[18] Earl Rosenthal, "*Plus Ultra, Non plus Ultra*, and the Columnar Device of Emperor Charles V," *Journal of the Warburg and Courtauld Institutes* 34 (1971): 204–28.

[19] Rosenthal noted also that the "Noch Weiter" translation appeared on several ca. 1518–1519 prints by Hans Weiditz, "*Plus Ultra*," pp. 224–5. Emperor Maximilian I had employed the symbolism of an extensive display of arms, for example in his *Ehrenpforte*, but under Charles this collection of arms became broader.

[20] Hans Petz, "Urkunden und Regesten aus dem königlichen Kreisarchiv zu Nürnberg," *Jahrbuch der Kunsthistorischen Sammlungen des allerhöchsten Kaiserhauses* 10 (1889): XLIV–XLV nr. 5829. For the medal, and a similar 1532 design, see Max Bernhart, *Die Bildnismedaillen Karls des Fünften* (Munich: Otto Helbing, 1919). Hans Springinklee, Decke (ceiling), modern restoration, Emperor's reception room (Empfangszimmer des

conquest of Mexico (1524), also produced in Nuremberg, repeated this visual strategy on its frontispiece. There, Cortés's textual proclamation of Charles's expanding world empire was previewed by the plethora of shields surrounding the title and representing the empire visually.[21]

The efforts devoted to representing Charles's empire textually and visually reflected the awkward reality that Charles did not lack competition for the mantle of universal sovereignty. With the dissolution of the Byzantine Empire in the fifteenth century, most of his rivals could be found within Latin Christendom. Within the Holy Roman Empire itself, the Saxon Wettins had a long history of dynastic claims to world empire.[22] Other candidates for world empire, such as the kings of France or several Renaissance popes, were located outside of the Germanys. Charles's most threatening rival was the Ottoman sultan and emperor Süleyman I, the putative successor to the Byzantine Emperors. The more expansive vision of world empire proposed by Charles's officials was particularly useful in countering that challenge: the now-Muslim territories of Byzantium could be governed by a Christian emperor. During the first two decades of Charles and Süleyman's imperial reigns, both courts claimed that their expansionist ambitions were legitimized by their sovereign's status as the destined world emperor. Advisors actively exploited the propagandistic value of this rivalry: in one example from 1527, Gattinara tried to extract more money from the Council of Castile by warning that, if Süleyman was left unchecked, he might achieve rule over the entire world, "la monarchia de toda el mundo."[23] The conflict between the two rulers has been depicted as one between the enemies of Islam and the enemies of Christendom, but the two courts also saw it as a struggle to determine which ruler was the true heir to Rome and the prophesized world empire. In propaganda texts,

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Kaisers), Nuremberg Burg; for the ceiling date, Josef Dettenthaler, "Hans Springinklee als Maler," MVGN 63 (1976): 146–7, 159–60.

[21] Hernán Cortés, *Praeclara Ferdinandi Cortesii de nova maris oceani Hyspania narratio* … (Nuremberg: Peypus, 1524).

[22] Peter E. Starenko, "In Luther's Wake: Duke John Frederick II of Saxony, Angelic Prophecy, and the Gotha Rebellion of 1567" (Ph.D. dissertation, University of California at Berkeley, 2002).

[23] Quoted in Headley, "Germany," with further examples of Gattinara's awareness of rivals, pp. 18–22.

Charles claimed sovereignty of Jerusalem, Süleyman countered with the claim of sovereignty over Rome.[24]

Competition between the two rulers took material, tangible forms as well as rhetorical ones. In 1532, Süleyman received ambassadors from territories in Latin Christendom while wearing a composite crown specially commissioned from Venetian jewelers. The crown was part of a set, along with European-style throne and scepter, that combined elements of the Holy Roman imperial crown, a papal tiara, and a military helmet. According to apparently gleeful Venetian observers, the Habsburg envoys turned pale and speechless at the sight.[25] In 1535, Habsburg propagandists emphasized the symbolism of world empire when publicizing Charles's victory over Süleyman's North African vassal Hayreddin Barbarossa, particularly Charles's demonstration of mercy in not allowing the city of Tunis to be plundered.[26] When Charles subsequently received a gift of jewels from the king of Tunis, his court treated it as regalia that signaled his expanding suzerainty.[27]

Charles's subjects could see and hear that the world empire was triumphantly expanding beyond Europe and Latin Christendom. By incorporating lands outside of Europe, the Habsburg world empire would certainly outstrip its immediate predecessor, the Holy Roman Empire, and perhaps, one day, the Roman Empire itself. The example of the Roman Empire helped Habsburg theorists exceed the definitions of a Europe-bounded empire. Geographically, the Roman Empire had extended beyond Europe to the three continents of Europe, Asia, and Africa. Rome also dated back to a time before Christianity and St. Peter, first bishop of Rome. By appeal to the Roman Empire, imperial theorists could justify ignoring the limits of present-day Latin Christianity and papal claims to supreme authority. Since the world emperor's

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[24] Cornell Fleischer explored Ottoman rhetoric in "Renaissance Themes in Ottoman Lands" (Mellon Lecture in Turkish Studies, University of California at Berkeley, April 1995).

[25] Gülru Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Habsburg-Papal Rivalry," *The Art Bulletin* 71 (1989): 407–27.

[26] *Keyserlicher Maiestat eroberung des Königreychs Thunisi/…den xii. Augusti hieher geschriben ist.* (Nuremberg, 1535) ff. ii^{r} – iv^{r} and *Newe zeyttung Welcher massen römische Kayserliche Mayestat/ im jüngstverschynen monatt Junio/von Sardinia auß/gehen Aphricam geschifft* (1535).

[27] Archivo General de Simancas (Spain), CySR Leg. 72, 1559 unfoliated inventory by Alonso de Baeça. 1555 version published in Rudolf Beer's "Acten, Regesten, und Inventare aus dem Archivo General zu Simancas," JKSK 12 (1891): cliii–clvii.

authority descended directly from God, however, the emperor's religious and moral virtue was crucial to Habsburg court conceptualization. The Habsburg world empire's promoters held their own religious practices and beliefs to be superior, and they certainly believed that the world emperor should be a Latin Christian rather than a Muslim. Yet in the religiously divisive 1520s, a theory of empire that could encompass even Jews, Muslims, and pagans allowed Charles V and his court officials to sidestep thorny questions of orthodoxy before a general council was convened to resolve doctrinal issues. Habsburg advisors could focus instead on Charles's moral virtue in good governance, whether that was signaled by the Habsburg reorganization of the imperial monarchy's bureaucracy or by Charles's mercy in sparing Tunis.

In Alfonso de Valdés's vision, the universal monarch's good governance followed Erasmian, humanist definitions. An Erasmian theory of governance for the universal monarch might sound oxymoronic, since Erasmus was opposed to universal monarchy or imperium.[28] Yet despite any disagreement between imperial and non-imperial humanists over the possible extent of a ruler's dominion, Valdés's ideal of the universal monarch adhered to the principles laid out in Erasmus's *Dulce bellum inexpertis* [1514–1515]. According to Erasmus, good rulers, regardless of religious belief, fostered the "arts of civilization" throughout their territories: they instituted letters and laws; they built towns, bridges, and ports; and they increased economic prosperity.[29] Erasmus's criteria, in turn, derived from Aristotle's *Politics*, which defined a civilized state as one which necessarily included households, families, property, government, arts, arms, religious practice, and adjudication.[30] This Aristotelian model grounded cultural evaluation during the first half of the sixteenth century: for example, Bartholomé de las Casas organized the entire structure of his magisterial *Apologética Historia* according to Aristotle's categories.[31]

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[28] For Erasmus's objections, see Yates, pp. 19–20 and John Headley, "Gattinara, Erasmus, and the Imperial Configurations of Humanism," *Archiv für Reformationsgeschichte* 71 (1980): 64–98.

[29] Desiderius Erasmus, *Dulce bellum inexpertis* [1515], ed. R. Hoven, *Opera Omnia* 2:7 (Amsterdam: Elsevier, 1999), lines 590–6.

[30] Aristotle, *Politics*, trans. Jonathan Barnes (Cambridge: Cambridge University Press, 1988), 1.1252a–1254b, 7.1328b.

[31] Bartolomé de las Casas, *Apologética historia sumaria*, Obras Completas, vols. 6–8 (Madrid: Alianza Editorial, 1992). Las Casas received support from Gattinara at court, Headley, "Gattinara, Erasmus," p. 70.

The question of religion in the evaluation of virtue and good governance was simplified by reliance on Aristotle. Aristotle had expressed little concern about religious faith, instead arguing that what was necessary in a civilized city-state was a degree of organization in religious practice. Cicero, another classical author who influenced humanist sensibilities about virtue, also emphasized the practice of worship rather than adherence to particular beliefs.[32] Erasmus and Valdés could follow their lead by emphasizing that it was virtue rather than the specifics of any religious faith that mattered in a ruler. In *Dulce bellum inexpertis*, Erasmus praised Turks, pagans, and Jews, as well as various peoples of Europe, Asia, and Africa, for their virtuous living. He explained that "conduct worthy of Christ" was the end and aim of faith, regardless of whether a person was Christian or not.[33] When Erasmus returned to the subject of good governance and religion in 1530 after the siege of Vienna, he cited the examples of Jews under Christian rule, Christians under the pagan Roman emperors, and Christians under Muslim Ottomans to remind the reader that peoples could be subject to rulers of different religions. Furthermore, just rulers should convert by example, not by force. The just ruler might gradually, over time, limit the public practice of peoples' religions, in the hopes that restricting certain acts would lead people into more preferred forms of worship.[34]

Support for a just ruler governing a religiously eclectic realm also had a precedent in fifteenth-century Latin Christian discussions of religion and religious diversity. Nicholas of Cusa wrote *De pace fidei* in 1453,[35] endorsing a diversity of rites even as Ottoman emperor Mehmet II finally conquered Byzantine Constantinople. Cusa had first made a name for himself as the author of the *De concordantia catholica* (1433) and as a conciliarist turned papalist, but moved mid-century toward the

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[32] Cicero, *De natura deorum*.

[33] Erasmus, *Dulce bellum inexpertis*, lines 834–56. Timothy Hampton discussed the ambiguities in Erasmus's approach to the Turks in " 'Turkish Dogs': Rabelais, Erasmus, and the Rhetoric of Alterity" *Representations* 41 (1993): 58–82. Here the possibilities and parameters of his cultural relativism are emphasized.

[34] Desiderius Erasmus, *Ultissima consultatio de bello turcis inferendo, et obiter enarratus Psalmus XXVIII*, ed. A.G. Weiler, R. Stupperich, and C.S.M. Rademaker, *Opera Omnia* 5:3 (Amsterdam: Elsevier, 1986), lines 142–50.

[35] *De pace fidei* [1453] circulated widely in Europe, both in manuscript form and in print editions (Strasbourg, 1488; Milan, 1502; Paris, 1514). Nicholas of Cusa's *Cribratio alkorani* [1460/61] has been taken as evidence that the ideas expressed in *De pace fidei* were short-lived, but this interpretation ignores the focus of the *Cribratio*, written at papal request to address the doctrinal differences between Islam and Latin Christianity.

development of a negative theology. The diversity of rites, for Cusa, stemmed from the unknowability of God.[36] This unknowability led to invention in religious worship, a tendency that explained the multitude of sects and practices that existed in the fifteenth-century world. In part, the diversity of rites had also been caused directly by the infinite Creator, who sent different prophets and teachers to the world's peoples and thus generated the different sects.[37] Cusa's position, which might be called a form of religious relativism,[38] held Latin Christianity to be the highest possible religious truth, but offered no active pressure for doctrinal conformity or religious conversion. For Cusa, the necessary element of faith was belief in "wisdom [which] is the one, simple, eternal God, the beginning of all things."[39]

Cusa composed *De pace fidei* as a series of dialogues addressing questions of differing religious practice and faith in diverse cultures. Throughout the text, Cusa emphasized that diversity in rites was adiaphoral. One dialogue, between a Tartar and the apostle Paul, discussed many practices that would become contentious for Reformation-era theologians. The Tartar listed the bewildering diversity of practices found among peoples, particularly those involving marriage, sacrifice, and forms of visible and invisible marking such as circumcision and baptism. Paul explained that he was indifferent to these rites: they tended to vary and were in general not necessary for salvation. The Bohemian was assured that diversity in the Eucharist was acceptable,

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[36] The literature on Cusa is extensive. Helpful starting points are Pauline Moffitt Watt's *Nicolaus Cusanus: a Fifteenth-Century Vision of Man* (Leiden: Brill, 1982) and Thomas McTighe's "Nicholas of Cusa's Unity—Metaphysics and the Formula Religio una in Rituum Varietate" introduction to debates on Cusa's phrase "religio una in rituum varietate" in *Nicholas of Cusa in search of God and Wisdom*, ed. G. Christianson and T. Izbicki (Leiden: Brill, 1991), pp. 161–72.

[37] *De pace fidei* [1453], ed. Raymund Klibansky and Hildebrand Bascour, O.S.B., *Opera Omnia*, vol. 7, (Hamburg: Felix Meiner, 1959), esp. pp. 5–7, 62–3.

[38] In the emerging literature on early modern tolerance, scholars have distinguished between tolerance of distinct, coexisting religions and concord in a shared religion. In these late fifteenth-century and early sixteenth-century texts a more intermediate stance can be found. Marion Leathers Kuntz has utilized the term *concordia discors*, in which general moral principles are shared but the particulars of rites and dogma may not be, for her discussion of Jean Bodin's 1588 *Colloquium Heptaplomeres*, "The Concept of Toleration in Jean Bodin's Colloquium Heptaplomeres," in John Laursen and Cary Nederman, eds., *Beyond the Persecuting Society* (Philadelphia: University of Pennsylvania Press, 1998), p. 138.

[39] "Est igitur sapientia Deus unus, simplex, aeternus, principium omnium," *De pace fidei*, p. 14.

as well. What mattered, instead, was faith and observing God's only commandment, the law of love towards God and humankind. In *De pace fidei*'s final dialogue, Paul concluded the question of diversity: he proposed that the diversity of rites might increase devotion as nations competed to develop the most splendid rites.[40]

Late-fifteenth-century cosmographies implicitly followed this stance of religious relativism through the categories by which they described and evaluated culture. Their discussions of religion included practices, which they placed alongside other aspects of culture: trade, governance, family, and costumes.[41] The practices of organized religion—places of worship, gods (whether singular or plural), priests, and rites and ceremonies—merited discussion, so that the reader would recognize different sects. Sects, in a world where the divine message had been received by peoples in both pre-Christian and apostolic forms and then diversified, included other branches of Christianity (and Islam itself).[42] Acceptance of this diversity was shared by Italian Platonists and German Cusanists, who agreed that the desire to worship the divine was found throughout human societies. Although most forms of divergent worship were considered heretical by Latin Christian theologians, cosmographers avoided judgment of doctrinal points. They focused instead on those Aristotelian categories of description and religious practice. In the first decades of the sixteenth century, cosmographers increased the scope of the "customs, laws, and rites" described in their texts. They incorporated information spanning the globe so that readers might be able to expand their visions of the world's peoples and realms.[43]

Peter Martyr Anglerius, Charles V's court historiographer and a correspondent of Gattinara and Marliano, followed this model of cultural evaluation in his initial description of the Yucatan. Printed in 1521, the fourth *Decade* emphasized the degree of Aristotelian organization

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[40] *De pace fidei*, pp. 50–64.

[41] See Bernhard von Breydenbach's *Peregrinatio in terram sanctam* (1486) and Georgius de Hungaria's *Tractatus de moribus* (ca. 1480).

[42] For the geneaology of *religio*, see Ernst Feil, *Religio*, Bd. 1, *Die Geschichte eines neuzeitlichen Grundbegriffs vom Frühchristentum bis zur Reformation* (Göttingen: Vandenhoeck & Ruprecht, 1986).

[43] Hans Boemus employed these organizational strategies in his widely influential cosmography *Omnium gentium mores, leges et ritus*, first appearing as *Repertorium librorum trium de omnium gentium ritibus* (Augsburg: Wirsung, 1520). Boemus was aware of the link with political empire: his dedicatory poem to the reader concludes with the question of governance throughout the world, f. aiii verso.

found in these newly encountered city-states, their politics and economy (*Politica* and *Oeconomia*) as well as their organization of religious practice. By doing so, Peter Martyr highlighted the contrast between these city states and the nearby peoples of the Caribbean, who lived outside the bonds of society, without family, possessions, or government. Yucatec cities contained grand stone buildings, paved streets, marketplaces, governing and judicial bodies, clergy, families formed through the bond of marriage, and a social elite marked out by their sumptuous clothing. Peter Martyr also informed readers about religious rites and customs.[44] For Peter Martyr, cultural description was not simply entertainment for the curious. God, through his mediator *philosophia*, had caused city-states, human laws, militaries, architecture, agriculture, and medicine to be created. Ethnography, then, explored *philosophia* and helped men better comprehend God.[45] The extent to which religious relativism was possible is suggested in the second edition of the *Decade* (1524), which made unfavorable marginal-note comparisons between Yucatec priests and German clerics who had embraced the Reformation.[46]

With questions about the evaluation of the Yucatec and Mexican peoples' religious practices and faith unresolved in 1521, Peter Martyr represented these cultures as civilized city-states which could be added into Charles's expanding world empire. The Habsburg court and readers throughout Charles's realm were enthusiastic about territorial expansion in the Americas as a sign that Charles was the true universal monarch. With the extension of his domain into Mexican lands unknown to previous Roman Emperors, the prophecies of universal monarchy seemed to be triumphantly unfolding.[47] During most of the 1520s and 1530s, despite his brother Ferdinand's persistent pleas that

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[44] Peter Martyr Anglerius, *De nuper sub d. Carolo repertis insulis*… (Basel, 1521).

[45] Peter Martyr Anglerius, *Opus Epistolarum*, Opera (1530, facsimile, Graz: Akademische Druck- u. Verlagsanstalt, 1966), f. lxxxviii verso.

[46] This is not to argue that the comparisons were neutral, but to note that they were possible. Peter Martyr Anglerius, *De rebus et insulis noviter* (Nuremberg: Peypus, 1524), ff. aaiv^{r} and bbiv^{r}.

[47] The correspondence of Franciscan Nicholas of Herborn, who rose to the rank of cismontane vicar-general and was at Charles's court during the 1520s and 30s, illustrates one effort to make sense of the prophetic possibilities of this expanding empire, in *Epitome de convertendis Indianis* (Cologne: Birckmann, 1532) and Trier Stadtbibliothek, Codex 1374/140 4° as well as letters reproduced in Ludwig Schmitt, S.J., *Der Kölner Theologe Nikolaus Stagefyr und der Franziskaner Nikolaus Herborn* (Freiburg im Breisgau: Herder'sche Verlagshandlung, 1896).

he return to the Germanys, Charles V remained whenever possible in Iberia, holding a court that embodied his world empire. The court's investment in universal empire went beyond textual and iconographic propositions and symbolism: it welcomed nobles from the Yucatan and central Mexico and incorporated them into its panoply.

A court's importance was represented symbolically through the magnificence of its spectacle.[48] In the 1520s, Charles's court was renowned for the array of people who were assembled there. Propagandists took pains to broadcast that the court was particularly distinguished by the presence of peoples from distant lands. The range of non-subject notables included not only ambassadors from the kings of France, England, Portugal, and the republic of Venice, but also ambassadors from the kings of Russia, Persia ("Sophy"), and different kingdoms in Africa.[49] Subject ambassadors attendant at Charles's court in Iberia represented territories from throughout the empire. Envoys from Austria, the Holy Roman imperial cities and Italian states could be found, as could nobles from outside Europe's boundaries.

Mexican nobles, indigenous Indian elites from newly conquered Mexico, were also present among the assembled notables of Charles V's court. Charles rewarded nobles from Tlaxcala, Cempoala, and other allied city-states that had played critical roles in the success of the conquest, by confirming these nobles' elite rank in the new political order. Also to be recognized was the family of the deceased ruler of the Aztec Empire, Moctezuma: in Cortés's account, Moctezuma had peacefully ceded his lands to Charles in recognition of Charles's destined sovereignty as world emperor. The first Mexican or Nahua nobles who appeared at Charles's court had been close relatives of Moctezuma. Their journeys in the early 1520s had been made to

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[48] See Volker Press, "The Habsburg Court as Center of the Imperial Government," *Journal of Modern History* 58 (1986) suppl. pp. 23–45 and Ronald Asch, ed., *Princes, Patronage, and the Nobility: the Court at the Beginning of the Modern Age, c. 1450–1650* (London: Oxford University Press for the German Historical Institute, 1991), especially essays by Peter Moraw, "The Court of the German Kings and of the Emperor at the End of the Middle Ages, 1440–1519," pp. 103–37; Volker Press, "The Imperial Court of the Habsburgs from Maximilian I to Ferdinand III, 1493–1657," pp. 289–312; M.J. Rodríguez-Salgado, "The Court of Philip II of Spain," pp. 205–44.

[49] See Alonso de Santa Cruz, *Crónica del emperador Carlos V*, vol. 2 (Madrid: Patronato de Huérfanos de Intendencia é Intervención Militares, 1920), p. 164; Francisco López de Gómara, *Annales del Emperador Carlos Quinto*, ed. and trans. R.B. Merriman (Oxford: Clarendon Press, 1912), pp. 72, 210; Prudencio de Sandoval, *Historia de la vida y hechos del emperador Carlos V*, Biblioteca de Autores Españoles, vol. 81 (Madrid: Atlas, 1955), p. 20.

confirm and demonstrate their vassalage.[50] In 1528, a large group of nobles traveled to Iberia in the company of Hernán Cortés, when he returned to seek Charles's recognition for his conquests. These Mexican nobles, including relatives of Moctezuma and of the Tlaxcalan leader Maxixcatzin, also had their elite status confirmed by Charles.[51] The crown took an active interest in these visiting noble subjects, providing for their maintenance and outfitting them in accordance with their newly-confirmed rank. Their crown-mandated social distinction, equivalent to low-ranking courtiers or city-based dignitaries like corregidors and regidors, made their social rank intelligible to other members of the court[52] and clearly distinct from other Indians visible in Castile, whether entertainers, servants, or slaves.[53]

The city-state of Tlaxcala, a crucial ally of Cortés and consequently the crown, sent an independent embassy to Iberia in 1534–1535. Charles welcomed the envoys, recognizing Tlaxcala as his *leal ciudad* ("loyal city") and mandating that it become an inalienable province of the crown with attendant privileges and rights.[54] As a *leal ciudad*, Tlaxcala joined a group of Castilian cities recognized for their particular devotion to the crown. While at Charles's court, these Tlaxcalan ambassadors would have found themselves among other indigenous noble Mexicans. At least

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[50] Hernán Cortés's second letter made this claim, appearing first in Spanish as *Carta de relacion* (Seville: Cromberger, 1522) and in Latin as the 1524 *Praeclara*. Vasco de Puga, *Provisiones, cedulas, instrucciones de su Magestad, ordenancas de difuntos y audiencia* [Mexico: Pedro Ocharte, 1563]; CODOIN I 41:91–2; and CODOIN II 18:33, 46.

[51] Archivo General de Indias (Spain), Contratación 4675, ff. 172v–175v; Howard Cline, "Hernando Cortes and the Aztec Indians in Spain," *The Quarterly Journal of the Library of Congress* 26 (1969): 85–7; Francisco López de Gómara, *Historia de la conquista de México* (Mexico: Editorial Pedro Robredo, 1943), ch. 192, 2:185–6; and Gonzalo Fernández de Oviedo y Valdés, *Historia general y natural de las Indias* (Madrid: Real Academia de la Historia, 1855), 3:527–8.

[52] For comparative examples and exclusions, Haus-, Hof-, und Staatsarchiv (Austria), Spanien Varia, Karton neu 1, p, and r; Linda Martz, "Converso families in Fifteenth- and Sixteenth-century Toledo," *Sefarad* XLVIII (1988), p. 120; *Relacion verdadera, del recebimiento, que la muy noble y muy mas leal ciudad de Burgos*…(1572); *Relacion muy verdadera del alto recibimiento, que la ciudad de Burgos hizo*…[ca. 1572]; and Alonso de Santa Cruz, *Crónica del emperador Carlos V*, vol. 3 (Madrid: Patronato de Huérfanos de Intendencia é Intervención Militares, 1922), pp. 258–9.

[53] See Andre Navagero's eyewitness account, *Viaje a España de Magnifico Señor Andres Navagero (1524–1526)*, trans. José María Alonso Gamo (Valencia: Castalia, 1951), p. 57. Indian entertainers also formed part of Cortés's entourage, but they were a distinct and unnamed group.

[54] Charles Gibson, *Tlaxcala in the Sixteenth Century* (New Haven: Yale University Press, 1952) p. 165.

five nobles were resident at court during those years and supported by the crown. In 1533, the Council of the Indies had suggested that several of these nobles be given official positions at court: Moctezuma's son Don Martin in the imperial chambers, Don Juan and Don Francisco (identified as Moctezuma's nephew and a noble governor's son) in the honorary horse guard, and the final two (Hernando de Tapia and Pedro) in the honorary foot guard.[55] By January 1534, the five men were in attendance at the imperial court and salaried accordingly. They remained there until after Don Juan's death in 1535, when the crown granted the surviving four nobles' request to return to New Spain.[56]

The presence of Mexican nobles at Charles's imperial court in the 1520s and 1530s added to its magnificence. Although the Mexican nobles were, by this point, Christian, they were not the only subject non-European nobility to attend the Habsburg court: Muslim princes who were members of the Tunisian Hafsid royal family were also present. Hafsid princes had been subsidized at Charles's court as early as 1520, and the relationship between the Hafsids and Charles gained a new dimension in 1535.[57] Having lost Tunis to Süleyman's vassal Hayreddin Barbarossa, the Hafsids signed a treaty with Charles to enlist his aid in retaking their territory. The treaty recognized Charles's suzerainty over Tunis but guaranteed that Muslims would be able to continue practicing their religion in Tunis without interference. In return, Christians gained the right to practice their religion in Tunis as well.[58] Similar treaties with the king of Tlemcen established another Muslim client kingdom in Charles's empire.[59] With the prospect of a universal empire before them, the Habsburg court saw nothing contradictory in subject Indian aristocratic republics or Muslim North African kingdoms. These subject nobles embodied the rhetoric and theory of universal monarchy that

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[55] In 1542, Charles V had forty-two *porteros de cámara*, seventeen *escuderos de pie*, and twenty-four *monteros de guarda*. Christina Hofmann, *Das Spanische Hofzeremoniell von 1500–1700*, Erlanger Historische Studien, bd. 8 (Frankfurt a.M.: Peter Lang, 1985), p. 199.

[56] For fuller details, see chapter 2 of Carina L. Johnson, "Negotiating the Exotic: Aztec and Ottoman Culture in Habsburg Europe, 1500–1590" (Ph.D. dissertation, University of California at Berkeley, 2000).

[57] Archivo General de Indias (Spain), IG 420 l.8 ff. 187^{r}–88^{r}, 1961 l.3 ff. 82^{v}–83^{r}, 1962 l.6 ff. 29^{r}–29^{v}.

[58] Alonso de Santa Cruz, *Crónica del emperador Carlos V*, vol. 3 (1922), pp. 283–93 includes details of the campaign and the treaty.

[59] López de Gómara, *Annales*, p. 33 and Jamil M. Abun-Nasr, *A History of the Maghrib in the Islamic Period* (Cambridge: Cambridge University Press, 1987), chapter 4.

the Habsburg court promoted, reinforcing the idea of Charles V as the true head of the prophesized world empire.

During the mid-sixteenth century, the importance of the universal monarchy began to wane in both material and rhetorical arenas. Envoys from the republic of Tlaxcala, seeking corporate privileges for their city-state, and noble descendants of close crown allies continued to travel to Iberia through the 1530s and 1540s. There, they offered fealty to their emperor Charles and in return had their grants and pensions confirmed. After a viceroyalty was established in Mexico in 1535, however, such grants could be confirmed in New Spain and the overseas journey was no longer necessary. Increasingly, the Iberian court became isolated from its Mexican nobles. Tlaxcalan envoys began seeking greater separation from Castilians, citing the negative effects of Castilians within the bounds of their city-state and petitioning the crown for protective segregation.[60] The crown also began imposing protective limits on Indian travel to Iberia in the 1540s.

In the same decade, Charles began to turn his attention away from his expansionist destiny and toward internal religious divisions. After the failure of Charles's 1541 Algerian campaign, military confrontations with his rival Süleyman ceased by the mid-1540s. Open hostilities halted in north Africa and an uneasy peace was established along the Hungarian border. A new generation of advisors, replacing those Burgundian-based humanists of the 1520s, served Charles as he sought to respond to the hardening religious divisions within the troublesome Holy Roman Empire and to the threat of Reformation in Iberia. In the Holy Roman Empire, Charles moved to wage war on his reformed princes and estates. In Iberia, Erasmians no longer served in Charles's court, as their theological positions were condemned as heretical.[61] The Cusan and Platonic idea, that diversity of practice was only human, was no longer tenable. Similarly, Erasmian ideals of good governance and conversion by peaceful example disappeared from public discussions[62] during this phase of religious and political strife.

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[60] Gibson, pp. 164–9. Rates of mortality were very high for indigenous peoples traveling to Iberia in these decades.

[61] Marcel Bataillon, *Erasmo y España*, trans. A. Alatorre (Mexico: Fondo de Cultura Económica, 1950).

[62] Mid-century vernacular cosmographies by Michael Herr, *Die newe welt* (Strasbourg: Georg Ulrich von Andla, 1534) and Francisco Tamara, *El libro de las costumbres de todas las gentes del mundo* (Antwerp: Martin Nucio, 1556) contained strong condemnations of heresy, illustrating this point.

The resolution of the debate over Indians and natural slavery illustrated the changed intellectual climate. The cultural evaluation of non-Christians became tied to arguments of natural slavery and dominion, rather than Gattinara's suprapolitical authority (*auctoritas*) of world emperors. Such arguments negated the earlier definition of a limitless world empire, instead articulating the legal boundaries of Charles's dominion. In 1539, Francisco de Vitoria, an important advisor to Charles on juridical and theological matters, argued that Indians could not be natural slaves. Being men with judgment and possessing dominion over themselves, they were civilized. In line with previous Erasmian humanists and with Aristotle, Vitoria noted that the Indians "have order in their affairs: they have properly organized cities, proper marriages, magistrates and overlords, laws, industries, and commerce, all of which require the use of reason. They likewise have a form of religion. . . ."[63] Vitoria did not consider Indians in isolation: he compared Indians to Jews and Muslims as similarly civilized peoples who practiced religion and possessed the right to self-dominion. Vitoria arrived at a very different conclusion on the question of inclusivity. Although Indians, Jews, and Muslims had civilized order, Vitoria concluded that this was not decisive for inclusion as equals in a Habsburg Empire. In their current states of religious faith and practice, whether recent converts to Christianity or not, these people lacked sufficiently longstanding faith to be truly incorporated into a Christian polity.[64] Charles welcomed Vitoria's legal rejection of natural slavery, despite any consequent theoretical diminution of his imperial dominion. Over time, Vitoria's determination proved to have a lasting influence on both religious and political thought. His position that reason was insufficient for full inclusion marked a lasting rejection of the previous decades' idealism. After Charles's abdication and death in the 1550s, Indians would be excluded from full membership in the Latin Christian church, defined instead as permanent neophytes.

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[63] Francisco de Vitoria, *Political Writings*, trans. Anthony Pagden and Jeremy Lawrance, (Cambridge: Cambridge University Press, 1991), pp. 250–251. "Patet, quia habent ordinem aliquem in suis rebus, postquam habent civitates quae ordine constant, et habent matrimonia distincta, magistratus, dominos, leges, opificia, commutationes, quae omnia requirunt usum rationis; item religionis speciem." Vitoria, *Relectio de Indis*, ed. L.Pereña and J.M. Perez Prendes (Madrid: C.S.I.C., 1967), p. 29.

[64] Vitoria, *Relectio*, pp. 30–36, 122–4, 157–64.

In 1549, Charles did muster the rhetoric of universal monarchy in support of his son Philip's hoped-for election as King of the Romans. By 1552 Charles recognized that such an election was not possible, that his son was politically unacceptable to the princes of the Holy Roman Empire.[65] The subsequent division of Charles's empire between his brother Ferdinand I and son Philip II also shattered the geographic possibility of a universal monarchy. Philip occasionally tried to redeploy the rhetoric of universal empire in Iberia, with little success. Indeed, when Tommaso Campanella proposed, around 1600, that Mexican elites be incorporated into priesthoods, monastic orders, and imperial service, he did so as a heretic who had been shut away from the world.[66]

Yet Charles's real rejection of the world empire lies earlier than 1549 and his recognition that his son would not be elected King of the Romans. As with communalism (to return to Brady's four late-medieval characteristics), the idea of a supra-political imperial monarchy could not flourish in an increasingly centralized state with a strong project of confessionalization. Evolving state-based political, juridical, and religious uniformity was antithetical to those late medieval characteristics of communalism[67] and imperial monarchy. Charles's decision to pursue religious uniformity in the Holy Roman Empire necessitated the rejection of his inclusive supra-political world monarchy. His effort to impose religious orthodoxy on his German subjects was made through military force, flouting the Erasmian definition of peaceful good governance in a polyreligious realm and repudiating a Cusan acceptance of religious diversity. And surely, if he tried to force religious uniformity upon his German subjects, his potential subjects in other parts of the world would need to become doctrinally orthodox and faithful Catholics as well.

Perhaps the Austrian Habsburgs, with their succession to the mantle of Holy Roman Emperor, could have continued to support the vision of the universal monarchy. Maximilian II's reign was marked by religious neutrality in the imperial projects and rhetoric sponsored by his

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[65] Bosbach, *Monarchia universalis*, p. 47 and Juan Cristóbal Calvete de Estrella, *El felicissimo viaje del muy alto y muy poderoso principe don Phelippe* (Antwerp: Martin Nucio, 1552).

[66] John M. Headley, *Tommaso Campanella and the Transformation of the World* (Princeton: Princeton University Press, 1997), pp. 222–3.

[67] See Brady, "Peculiarities," pp. 427–8 for his analysis of the tension between communalism and confessionalization.

court.[68] Current historiography, however, argues that the Austrians Habsburgs were able to sidestep questions of internal religious division for a half-century through their emphasis on a "Danubian Empire."[69] Such a vision depended on a narrower vision of empire, on the idea of a Christian empire in opposition to the Muslim Ottoman empire. Rudolf II's propagandists adopted this vision of the Holy Roman Empire as a bulwark of imperiled Christianity, as they sought to raise arms and men for renewed hostilities along the Hungarian border. In doing so, they addressed another imperative of the modernizing state: how to pay for an expanded military. For several decades, this vision and rhetoric of an exclusive Christian empire allowed the Holy Roman Emperors to militarize at a level similar to that of the western European states.[70] Yet the vision came at a cost: ideas of a Christian or confessional empire could only be created by constricting the earlier, world-spanning imperial ideal and by abandoning its symbolic practices of religious and cultural incorporation.

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[68] Margit Altfahrt, 'Die politische Propaganda für Maximilian II," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 88 (1980): 283–312: 89 (1981): 53–92 and Paula Sutter Fichtner, *Emperor Maximilian II* (New Haven: Yale University Press, 2001).

[69] Winfried Schulze, *Reich und Türkengefahr im späten 16. Jahrhundert* (Munich: C.H. Beck, 1978); Karl Vocelka, *Die Politische Propaganda Kaiser Rudolfs II. (1576–1612)* (Vienna: Österreichische Akademie der Wissenschaften, 1980). Brady named this Austrian Habsburg concentration of authority in Austria, Bohemia, and Hungary "the Danubian empire" in his essay "Imperial Destinies: A New Study of the Emperor Maximilian I," *Journal of Modern History* 62 (1991): 298–314.

[70] Brady, "Peculiarities," p. 413.

ZWISCHEN SPÄTMITTELALTER UND REFORMATION – POLITISCHER FÖDERALISMUS IM REICH DER REFORMATIONSZEIT

Gabriele Haug-Moritz

Das Bild der frühneuzeitlichen politischen Kultur Europas im Allgemeinen verändert sich derzeit ebenso grundlegend wie dasjenige der politischen Kultur des Reiches in der Reformationszeit im Speziellen.[1] Die Forderung Tom Bradys, 1995 in seiner magistralen Biographie des Straßburger Stettmeisters Jacob Sturm erhoben, daß es an der Zeit sei, „to build a new framework for the story of the German reformation",[2] ist offenkundig auf fruchtbaren Boden gefallen. Das Bestreben, die alten Meistererzählungen der Reformationsgeschichte zu verabschieden, ein Anliegen, dem sich Tom Brady seit den Anfängen seiner Forschungsarbeit verpflichtet fühlt,[3] findet in vielen verschiedenen Facetten seinen Niederschlag. Medien- und kommunikationsgeschichtliche Zugänge[4] stehen neben solchen, die sich einer neuen politischen Ideengeschichte verpflichtet fühlen und den „Sprachen des Politischen", insbesondere

[1] Um nur die wichtigsten Veröffentlichungen der Jahre 2004 und 2005 zu benennen: Rudolf Schlögl (Hg.), Interaktion und Herrschaft. Die Politik der frühneuzeitlichen Stadt, Konstanz 2004; Ronald Asch/Dagmar Freist (Hgg.), Staatsbildung als kultureller Prozeß. Stukturwandel und Legitimation von Herrschaft in der frühen Neuzeit, Köln 2005; Barbara Stollberg-Rilinger (Hg.), Was heißt Kulturgeschichte des Politischen?, Berlin 2005; Ute Frevert/Heinz-Gerhard Haupt (Hgg.), Neue Politikgeschichte. Perspektiven einer historischen Politikforschung, Frankfurt/M. 2005 (allerdings ohne Berücksichtigung der lebhaften Diskussionen der Frühneuzeitforschung zu diesem Thema).

[2] Thomas A. Brady jr., Protestant Politics. Jacob Sturm (1489–1553) and the German Reformation, New Jersey 1995, 8.

[3] Thomas A. Brady jr., Ruling Class, Regime and Reformation at Strasbourg, Leiden 1978; ders., Turning Swiss. Cities and Empire 1450–1550, Cambridge/New York 1985; ders., Protestant Politics; ders., Communities, Politics, and Reformation in Early Modern Europe, Leiden u.a. 1998.

[4] Der Versuch einer ersten Synthese, die freilich auch zeigt, wie viel noch zu erforschen ist, unternimmt Johannes Burkhardt, Das Reformationsjahrhundert. Deutsche Geschichte zwischen Medienrevolution und Institutionenbildung 1517–1617, Stuttgart 2002; zuletzt Thomas Kaufmann, Das Ende der Reformation. Magdeburgs „Herrgotts Kanzlei" (1548–1551/52), Tübingen 2003.

den Diskursen um Widerstand/Gegenwehr, nachspüren,[5] aber auch solchen, die ihren Ausgangspunkt von genuin verfassungsgeschichtlichen Fragestellungen nehmen und ein neues Bild der politischen Verfaßtheit des Reiches entstehen lassen. Nicht unvermittelt, aber doch noch nicht systematisch verknüpft, stehen diese neuen Ansätze derzeit nebeneinander.

Es ist das Verdienst Volker Press', der bereits vor 15 Jahren einer Tagung des Historischen Kollegs (München) die Frage nach den „Alternativen zur Reichsverfassung" vorgegeben und damit die föderativen Strukturen der politischen Ordnung des Reiches[6] zum Thema gemacht hat, eine Fragestellung in den verfassungsgeschichtlichen Diskussionszusammenhang re-integriert zu haben, die von einer Forschung, die auf den Zusammenhang zwischen Reformation und den um 1500 neu entstehenden institutionellen Strukturen (Reichstag, Reichskammergericht, Reichsregiment) fixiert war, lange Zeit vernachlässigt wurde.[7]

Welch integraler Bestandteil der politischen Ordnung des Reiches in der ersten Hälfte des 16. Jahrhunderts die Bünde und Bündnisse zwischen den Herrschaftsträgern des Reiches waren, ist eine alte, bereits im 18. Jahrhundert formulierte Erkenntnis,[8] die jedoch für das Verständnis des „Gestaltwandels" (Moraw) der Verfassungsordnung des Reiches um 1500 lange Zeit nicht resp. nur in Ansätzen interpretatorisch

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[5] Robert von Friedeburg, Widerstandsrecht und Konfessionskonflikt. Notwehr und Gemeiner Mann im deutsch-britischen Vergleich 1530 bis 1669, Berlin 1999; ders. (Hg.), Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich, Berlin 2001 und zuletzt Luise Schorn-Schütte (Hg.), Das Interim 1548/50. Herrschaftskrise und Glaubenskonflikt, Gütersloh 2005.

[6] In „gewillkürten Einungen" fanden sich freilich nicht nur Herrschaftsträger, auf die die Fragestellung von Press zielte, zusammen, sondern auf Freiwilligkeit beruhende Zusammenschlüsse sind ein allgemeineres Strukturprinzip frühneuzeitlicher gesellschaftlicher und politischer Verfaßtheit, vgl. hierzu im Überblick Reinhart Koselleck, Bund, Bündnis, Föderalismus, Bundesstaat, in: Otto Brunner/Werner Conze/ders. (Hgg.), Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland, Bd. 1, 582–671 und Wolfgang Hardtwig, Genossenschaft, Sekte, Verein. Geschichte der freien Vereinigung in Deutschland, Bd. 1: Vom Spätmittelalter bis zur Französischen Revolution, München 1997. Aus pragmatischen Gründen beschränke ich mich im Folgenden jedoch auf solche Einungen, die zwischen Obrigkeiten des Reiches geschlossen wurden.

[7] Volker Press/Dieter Stievermann (Hgg.), Alternativen zur Reichsverfassung in der Frühen Neuzeit?, München 1995.

[8] So hält Philipp Ernst Spieß, Geschichte des Kayserlichen neunjährigen Bunds vom Jahr 1535 bis 1544 (…), Erlangen 1788, 8 in Hinblick auf die Situation der 1530er Jahre zu Recht fest: „Es entstund ein Bündnüs um das andre."

ausgelotet wurde.[9] Bei allen auch weiterhin existierenden Wissenslükken aber hat die neuere Forschung zu den föderativen Elementen der Verfassungsordnung bereits heute ein Bild des politischen Einungswesens entstehen lassen, das den Nexus zwischen „herrschaftlichen" und „genossenschaftlichen" Bestandteilen der politischen Ordnung wesentlich komplexer erscheinen läßt, als es die lange forschungsleitend wirkende antithetische Gegenüberstellung Gierkes suggeriert.[10] Und so wird gegenwärtig immer deutlicher, daß Kategorien wie „Dualismus" ebenso wenig der Beschreibung der Verfassungswirklichkeit des Reiches der Reformationszeit angemessen sind wie die einseitige Betonung der Neuzeitlichkeit seiner politischen Ordnungsstrukturen. Die genauere Bestimmung der komplexen Gemengelage ins Spätmittelalter zurückweisender und in die Frühe Neuzeit vorausweisender Bestandteile der politischen Kultur des Reiches in der ersten Hälfte des 16. Jahrhunderts, die gegenwärtig sowohl für die Diskurse wie die Praktiken der Politik immer nachdrücklicher von der Forschung betont wird, steht freilich noch aus.[11] Als ein Mosaikstein, der zur Erhellung dieser Frage beitragen möchte, verstehen sich die folgenden Ausführungen.

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[9] Vgl. aber Horst Rabe, Reichsbund und Interim. Die Verfassungs- und Religionspolitik Karls V. und der Reichstag von Augsburg 1547/48, Köln/Wien 1971; Volker Press, Die Bundespläne Karls V. und die Reichsverfassung, in: ders., Das Alte Reich. Ausgewählte Aufsätze, Berlin 1997, 67–127 [zuerst: 1982]; Alfred Kohler, Antihabsburgische Politik in der Epoche Karls V. Die reichsständische Opposition gegen die Wahl Ferdinands des I. zum römischen König und die gegen die Anerkennung seines Königtums (1524–1534), Göttingen 1982.

[10] Otto von Gierke, Das deutsche Genossenschaftsrecht, 4 Bde., ND Graz 1954; vgl. jetzt Horst Carl, Der Schwäbische Bund 1488–1534. Landfrieden und Genossenschaft im Übergang vom Spätmittelalter zur Reformation, Leinfelden-Echterdingen 2000; ders., Genossenschaft und Herrschaftsverdichtung. Zur politischen Kultur von Adelseinungen im Alten Reich, in: Asch/Freist, Staatsbildung, 405–427; Frank Göttmann, Zur Entstehung des Landsberger Bundes im Kontext der Reichs-, Verfassungs- und regionalen Territorialpolitik des 16. Jahrhunderts, in: ZHF 19 (1992), 415–444; Gabriele Haug-Moritz, Der Schmalkaldische Bund (1530–1541/42). Eine Studie zu den genossenschaftlichen Strukturelementen der politischen Ordnung des Heiligen Römischen Reiches deutscher Nation, Leinfelden-Echterdingen 2002 (mit der älteren Literatur).

[11] In einer politikgeschichtlichen Perspektive betonte dies jüngst Luise Schorn-Schütte, Das Interim (1548/50) im europäischen Kontext. Eine wissenschaftsgeschichtliche Einleitung, in: dies., Interim, 15–44 und in einer auch religionsgeschichtliche Befunde einbeziehenden Forschungsskizze Thomas A. Brady, Zur Einführung: The German Reformation between Late Middle Ages and Early Modernity, in: ders. (Hg.), Die deutsche Reformation zwischen Spätmittelalter und Früher Neuzeit, München 2001, VII–XX, hier: VII–X.

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Die Erscheinungsformen des Föderativen im Reich der Reformationszeit sind vielgestaltig und bis heute – trotz sich intensivierender Forschungsanstrengungen – nur zu Bruchteilen untersucht. Allein ein Blick auf die in den 1530er Jahren existierenden, begründeten oder fortgeschriebenen Einungen reichischer Herrschaftsträger[12] läßt eine Fülle zutage treten, die den zentralen Stellenwert des Einungswesens für die politische Ordnung des Reiches mehr als evident werden läßt. Neben Standeseinungen – z. B. den Erbeinungen des hohen Adels[13] oder den sehr unterschiedlich konstruierten Formen städtischer Kooperationsvereinbarungen (Städtetag, Hanse, Städtebündnisse)[14] – stehen standesübergreifende Formen der Vergemeinschaftung – am Bekanntesten sicherlich der Schwäbische Bund.[15] Bünde mit Beteiligung von Kaiser und König, mitunter freilich nur in ihrer Eigenschaft als Erzherzöge von Österreich (1488–1534: Schwäbischer Bund; 1535–1544 Neunjähriger Bund, 1538 Nürnberger Bund)[16] existieren in den 1530er Jahren neben Vereinigungen, in denen sich ausschließlich reichische Obrigkeiten zusammenschließen,

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[12] Bilaterale Vereinbarungen bleiben außer Betracht. Anspruch auf Vollständigkeit wird nicht erhoben, da zu vermuten steht, daß in den Archiven noch etliche „ungehobene" Bündnisse schlummern, so wie beispielsweise das am 4. Juli 1538 zwischen dem Kurfürsten von Köln, Bischof von Münster und Herzog von Jülich-Kleve geschlossene Bündnis (französische Abschrift in: Archives Generales du Royaume Brüssel, Sécretairerie d'Etat allemande 88, Correspondence génerale, fol. 101–103).

[13] Eine, allerdings bei weitem nicht vollständige Zusammenschau liefert Johann Johann Jacob Moser: Teutsches Staatsrecht, T. XVII, ND Osnabrück 1968 [1745], S. 9–169. Daß über die bei Moser genannten Erbeinungen hinaus eine Fülle weiterer existierte, zeigt ein Blick auf die Ausnehmungen. So nehmen aufgrund existierender Erbeinungen z. B: im Neunjährigen Bund von 1535 (Druck des Bundesvertrags bei: Spieß, Bund, 97–142) der Bamberger Bischof und das Domkapitel das Hochstift Würzburg die bayerischen Herzöge Wilhelm und Ludwig, die pfälzischen Linien der Wittelsbacher und Markgraf Georg von Brandenburg-Ansbach-Bayreuth aus. Markgraf Georg wiederum läßt festhalten, daß er seinen bündischen Verpflichtungen gegenüber der Krone Böhmen, dem Haus Wittelsbach sowie den Mitgliedern der wettinisch-hohenzollerisch-hessischen Erbeinung nicht nachkommen wird und Ottheinrich von Pfalz-Neuburg sieht sich außerstande seine Bündnisverpflichtungen gegenüber Ferdinand als Grafen von Tirol, Erzherzog und böhmischem König, dem Würzburger Bischof und seiner wittelsbachischen Verwandtschaft zu erfüllen.

[14] Vgl. die knappe Skizze von Georg Schmidt, Städtetag, Städtehanse und die frühneuzeitliche Reichsverfassung, in: Michael Stolleis (Hg.), Recht, Verfassung und Verwaltung der frühneuzeitlichen Stadt, Köln/Wien 1991, 41–61.

[15] Horst Carl, Schwäbischer Bund.

[16] Carl, Schwäbischer Bund; Spieß, Bund und zum Nürnberger Bund zuletzt (und mit der – wenigen – älteren Literatur) Nadja Lupke-Niederich, „…uns auch darein guetwillig einzulassen und zu begeben begirig." Der katholische Bund von Nürnberg und

seien es wie in der Rheinischen Einung von 1532,[17] dem Halleschen Bündnis von 1533 oder dem Saalfelder Bündnis von 1534[18] Kurfürsten und Fürsten, oder, wie in der Überlinger Einung von 1531, Prälaten, Grafen und Herrn sowie der Niederadel, zu dem seit 1534 auch etliche oberschwäbische Reichsstädte traten.[19] Einungen differieren jedoch nicht nur hinsichtlich ihrer Zusammensetzung, sondern auch in Hinblick auf die von ihnen erfaßten Räume. So finden sich solche, die weite Räume umspannen – Hanse und Städtetag ebenso wie Schmalkaldischer oder Nürnberger Bund –, aber auch sehr kleinräumig verfaßte, deren Existenz in enger Wechselwirkung mit der Ausformung politischer, sich allmählich institutionell verdichtender politischer Landschaften steht, wie etwa Frank Göttmann für die Überlinger Einung und das Obere Viertel des Schwäbischen Reichskreises oder Horst Carl für den schwäbischen Raum plausibel machen konnten.[20] Und schließlich unterscheiden sich die Bündniszwecke und – inhalte der Einungen nicht zuletzt darin, ob die Einungsverwandten sie explizit formulieren oder im Ungewissen belassen. Der Städtetag etwa sah sich ebenso wenig wie die Hanse je vor die Notwendigkeit gestellt, Überlegungen über die Grundlagen der reichs – bzw. hansestädtischen Kommunikation zu verschriftlichen, wohingegen die schmalkaldischen Bündner mehr als ein Jahr diskutierten bis sie eine allen gleichermaßen akzeptabel erscheinende Formulierung und Begründung ihres Anliegens zustande brachten. Die Aufzählung und dichotomische Form der Kategorisierung sei an dieser Stelle abgebrochen. Denn weder die vollständige Aufzählung aller Einungen noch die Einführung weiterer Unterscheidungsmerkmale würden dazu beitragen, den Platz des Einungswesens im politischen System des Reiches präziser zu fassen.

Versuche, die Vielgestaltigkeit des Einungswesens systematisierender zu fassen, sind rar. Daß eine Gegenüberstellung zwischen kleinräumig

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die mindermächtigen Schwaben, in: Christine Roll (Hg.), Recht und Reich im Zeitalter der Reformation. Festschrift für Horst Rabe, Frankfurt/M. u.a. 1996, 493–506.

[17] Friedrich Eymelt, Die Rheinische Einung des Jahres 1532 in der Reichs- und Landesgeschichte, Bonn 1967 (Diss. Bonn 1965).

[18] Kohler, Opposition.

[19] Frank Göttmann, Alternativen zum Schwäbischen Bund? Habsburg und die oberschwäbischen Einungen zu Beginn der dreißiger Jahre des 16. Jahrhunderts, in: Horst Rabe (Hg.), Karl V. Politik und politisches System, Konstanz 1996, 223–255.

[20] Frank Göttmann, Die Bünde und ihre Räume. Über die regionale Komponente politischer Einungen im 16. Jahrhundert, in: Roll, Reich, 441–469; ders., Alternativen; Carl, Schwäbischer Bund, v.a. 501–511, der für den Schwäbischen Bund den Terminus einer „kommunizierenden Verdichtung" geprägt hat.

verfaßten, königlich initiierten, „quasi-staatlichen“ spätmittelalterlichen (Landfriedens-) Bünden von großräumigeren, reichsständisch geprägten, wenig verdichteten und allein auf die Selbstbehauptung im Konflikt zielenden neuzeitlichen Bündnissen,[21] zwar weiterführend und im Kern zutreffend ist, aber der Komplexität des Einungswesens nur bedingt gerecht wird, hat bereits die Habilitationsschrift von Horst Carl gezeigt. So zeichnet sich gerade die Landfriedenseinung „Schwäbischer Bund“, wie von Carl en détail verdeutlicht, durch ein hohes Maß an „Konfliktorientierung“ aus.[22]

Unmöglich ist es, im Rahmen einer kürzeren Abhandlung nur auch die uns bekannten Einungen der 1530er Jahre zusammenschauend einer systematischen Analyse zu unterwerfen. Statt dessen werde ich im Folgenden beispielhaft die beiden Bündnisse herausgreifen, die es sich als „christliche“ Einungen zum Ziel setzten, gemeinsam die eigene Religion zu behaupten – den Schmalkaldischen (1530/31–1547) und den Nürnberger Bund (1538–1549).[23] Sie sind – von ihrem Bündnisinhalt her betrachtet – genuin neuzeitliche Erscheinungsformen des Föderalen und lassen zugleich ein Phänomen der Reichsverfassungsgeschichte in den Blick geraten, das sich zu Beginn des 17. Jahrhunderts mit der Gründung von Union (1608) und Liga (1609) „wiederholen“ sollte.[24] Daß sich im Vorzeichen des Religionsdissenses das Einungswesen qualitativ verändert habe, ist eine von der Forschung aufgestellte Behauptung, die freilich bislang nur für den Schmalkaldischen Bund einer Prüfung unterzogen worden ist.[25] Eine vergleichende Betrachtung

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[21] Vgl. die Zusammenschau bei Haug-Moritz, Schmalkaldischer Bund, 22–24.

[22] Ausführlich Carl, Schwäbischer Bund, 423–499, 508f., hier: 425.

[23] Vgl. oben Anmerkungen 10 und 16.

[24] Zur Geschichte von Union und Liga sind zwar in jüngster Zeit etliche Studien erschienen, sie wenden sich allerdings vorrangig der äußeren Geschichte, insbesondere der Union, zu, ohne deren Eigenart als föderale Organisationsformen näher zu betrachten (zur methodischen Problematik einer solchen Herangehensweise vgl. unten) Vgl. jetzt aber zur Liga: Michael Kaiser, Ständebund und Verfahrensordnung. Das Beispiel der katholischen Liga (1619–1631), in: Barbara Stollberg-Rilinger (Hg.), Vormoderne politische Verfahren, Berlin 2001, 351–415.

Was schon für die Reformationszeit gilt, ist auch für das erste Dezennium des 17. Jahrhunderts zu beobachten: Die Forschung wendet sich stärker dem „protestantischen“ Einungswesen als seinem „katholischen“ Widerpart zu. Zum protestantischen Föderalismus des frühneuzeitlichen Reiches im Überblick (mit der älteren Literatur): Gabriele Haug-Moritz, Protestantischer Föderalismus – der Kaiser und die konfessionelle Pluralität des frühneuzeitlichen Reiches, in: Heinz Duchhardt/Grete Walter-Klingenstein (Hgg.), Kaiser, Hof und Reich in der Frühen Neuzeit (voraussichtlich: Wien 2006).

[25] Peter Moraw, Die Funktion von Einungen und Bünden im spätmittelalterlichen Reich, in: Press/Stievermann, Alternativen, 1–21. Die These von der Entstehung des

beider Einungen steht ebenso aus wie die Einordnung des Nürnberger Bundes in die kaiserlich-königliche Bündnispolitik des Reformationszeitalters. Beides aber ist unabdingbar, wenn das Einungswesen als Ausgangspunkt gewählt wird, um die politische Kultur des Reiches der Reformationszeit auf ihre Gemengelage von tradierten und – was freilich nur dem rückschauenden Betrachter deutlich ist – zukunftsweisenden Elementen zu befragen.

2

Will man den Nürnberger Bund auf Unterschiede und Gemeinsamkeiten zu anderen Formen bündischer Vergemeinschaftung, an denen Kaiser (und König) in der ersten Hälfte des 16. Jahrhunderts beteiligt waren (Schwäbischer Bund, Neunjähriger Bund, Bundespläne von 1547),[26] befragen, so ist ein Blick auf die Genese des „christlichen Bündnuß, Verstand und Einigung", so die Bezeichnung des Bundes im Bundesvertrag, unerläßlich.[27]

Den Anstoß zur Bundesgründung gab ein eindeutig identifizierbares Ereignis: der Schmalkaldener Versammlungstag (10. Februar bis 6. März 1537), präziser: die Ergebnisse der Interaktion der in Schmalkalden versammelten protestantischen Stände mit Reichsvizekanzler Held.[28] Helds Auftritt in Schmalkalden, der von Karl V. dorthin abgesandt worden war, um die kaiserliche Antwort auf die 1536 vorgetragenen Beschwerden der Protestanten gegen das Reichskammergericht zu überbringen und für das nach Mantua ausgeschriebene Konzil zu

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modernen Widerstandsrechts im Kontext der Gründung des Schmalkaldischen Bundes kann inzwischen als falsifiziert gelten (vgl. die oben in Anm. 5 genannten Arbeiten).

[26] Zu Schwäbischem und Neunjährigem Bund sowie zu den Bundesplänen vgl. oben Anm. 9; der kaiserliche, von den Reichsständen beratene Entwurf der Bundespläne ist abgedruckt bei Spieß, Bund, 218–256.

[27] Bundesvertrag und Nebenvertrag sind gedruckt bei Friedrich Hortleder, Der Römischen Keyser und Königlichen Maiestete, Auch des Heiligen Römischen Reichs (…) Handlungen und Ausschreiben (…) von den Ursachen des Teutschen Kriegs Kaiser Carls des Fünfften, Franckfurt am Meyn 1617, VIII. Buch, Kap. 14 und 15 und der Abschied des Nürnberger Tages vom 12. Juni 1538 bei Franz Bernhard von Bucholtz, Geschichte der Regierung Ferdinand des Ersten, Bd. 9: Urkunden, ND Graz 1968, 366–371; vgl. auch Hermann Baumgarten, Karl V. und der katholische Bund vom Jahre 1538, in: Deutsche Zeitschrift für Geschichtswissenschaft 6 (1891), 273–300, hier: 280–292.

[28] Der Notenaustausch Helds mit den in Schmalkalden anwesenden Ständen ist dokumentiert bei Hortleder, Ursachen, I. Buch, Kap. 25–29 und VII. Buch, Kap. 1–4.

werben,[29] markiert eine Zäsur in der Reformationsgeschichte des Reiches. Bei Helds Abreise war nicht nur die Differenz der protestantisch und kaiserlich-katholischen Lesart der dissimulierenden Formeln des Nürnberger Anstandes[30] offen zu Protokoll gegeben worden (dynamische Ausbreitung des ‚wahren Wortes Gottes' vs. Status-quo-Wahrung des Jahres 1532), sondern die Protestanten hatten in Auseinandersetzung mit Held erstmals auch ihre Vorstellungen von Art und Umfang des obrigkeitlichen Ius reformandi öffentlich gemacht. Mit dem Postulat, daß, breche „die Göttliche Wahrheit herfür (…) Gewehr, Poseß, Brauch, Gewonheit (…) weichen" müsse, wenn auch nur bei denjenigen, für die sie „Rechnung" geben müßten,[31] war das konfessionell homogene Territorium/die konfessionell homogene Stadt als Zielpunkt obrigkeitlichen Kirchenregiments benannt, vor allem aber zeitgleich – in Augsburg[32] – handelnd realisiert.

Mitte April 1537 hatte der Bericht Helds und die das Schmalkaldener Tagungsgeschehen dokumentierenden Schriften[33] König Ferdinand in Prag erreicht, der seinem kaiserlichen Bruder Bericht erstattete. Mit eindringlichen Worten – „Roupture" und „Irreparable confusion" des Reiches drohe, „Honneur, Reputation et auctorite Imperiale" seien in Gefahr – bat er seinen Bruder: „Monsr. y voulon bien penser et deliberer (…) du Remede."[34] Ende Mai antwortete ihm Karl aus Valladolid: Da sich die in Schmalkalden Anwesenden „fort Indolenzs" gezeigt hätten, müsse man „bien considere si lon tient bonne ferme et estrainte Intelligence avec les princes et estatz catholiques". Der Erzbischof von Lund und Held sollten „faire tout ce que sera trouve (…) necessaire", die von Ferdinand angesprochene Idee eines Reichstags sei aber – in Anbetracht der kriegerischen Auseinandersetzungen mit Frankreich – „plus

[29] Ausführlicher Haug-Moritz, Schmalkaldischer Bund, 118–120, 518–520.

[30] Umstritten war vor allem, welche Obrigkeiten sich als unter dem Schutz des Nürnberger Anstands stehend betrachten konnten – nur diejenigen, die namentlich im kaiserlichen Landfriedensgebot genannt wurden oder auch alle anderen „Mitverwandten" des sächsischen Kurfürsten (ausführlicher ebd., 116–118).

[31] Hortleder, Ursachen, VII. Buch, Kap. 4.

[32] Zu Augsburg vgl. immer noch die materialreiche Darstellung von Friedrich Roth, Augsburgs Reformationsgeschichte, 4 Bde., München 1901–1911.

[33] Haus-, Hof- und Staatsarchiv Wien (künftig: HHSTAW) Reichsakten in genere 9/1, fol. 47–56 (Bericht Helds, 5.3.1537; dechiffrierte französische Fassung) samt beigefügten Unterlagen (fol. 60–86).

[34] HHSTAW Hs. bl. 597/1, fol. 245v–252v, hier: 245v–246v. (Schreiben Ferdinands an Karl, 14.4.1537).

que Impossible".[35] Mitte August schließlich, nachdem ihn sein Bruder darauf hingewiesen hatte, daß mit dem ‚Heilmittel' Defensivallianz finanzielle Belastungen einhergehen würden, ließ Karl V. wissen, daß Ferdinand dennoch mit der Umsetzung des Bündnisplanes fortfahren solle, „Confiant que la chose se conduira selon que en rescripz audi docteur" [i.e. Held], worauf zu achten Ferdinand ausdrücklich verpflichtet wurde.[36]

Ferdinand als Römischer König wurde damit zur treibenden Kraft der Bündnisgründung, nicht jedoch ohne seinem Bruder nahezu in jedem Brief Bericht zu erstatten über die Aktivitäten des ‚Docteur', die schließlich im Januar 1538 so weit gediehen waren, daß er Karl aufforderte bezüglich seiner finanziellen Beteiligung nun „final et assolute Resolution" zu tun.[37] Daß sich Besiegelung und Beschwörung des Bündnisses noch bis in den Sommer 1538 hinein erstreckten, war dem Bemühen geschuldet, „alle (…) gehorsame Stende (…) darzue die Ritterschaft Im Lanndt zu Schwaben, Hegaw und andern Orten", vor allem aber die rheinischen Kurfürsten für das Bündnis zu gewinnen, da es wünschenswert sei, daß diese „Iren hohen werden und Ambtern nach (…) nit accessorii, sondern mit den ersten contrahenten" seien.[38] Als am 10. Juni 1538 das Bündnis begründet wurde, hatten sich diese Erwartungen zerschlagen. Die beiden, bei den Obersten des Bundes, Herzog Ludwig von Bayern und Herzog Heinrich von Braunschweig-Wolfenbüttel, hinterlegten Verträge, mittels derer sich das Bündnis konstituierte, wurden von seiten des Königs und Kaisers von Hugo von Montfort und Held gesiegelt, wobei letzterer sich „Kay. Mt. clainen secret, so ich zu Irer Mt. Missiven brauch" bediente. Ludwig von Bayern

[35] HHSTAW Hs bl. 595, fol. 132f. (Schreiben Karl an Ferdinand, 31.5.1537).

[36] Ebd., fol. 134verso–135verso (dass., 19.8.1537); vgl. auch den Bericht Helds an Karl, Sept./Okt. 1537 (gdr. L. Cardauns, Zur Geschichte Karls V. in den Jahren 1536–1538, in: Quellen und Forschungen aus italienischen Archiven und Bibliotheken 12 (1909), 189–211, 321–367, hier: 353–363).

[37] Nahezu jedes Schreiben Ferdinands an Karl berichtet über die Aktivitäten Helds (HHSTAW Hs bl. 597/1, fol. 256–316, Korrespondenz Juli 1537 bis Juli 1538). Karl freilich, für den die Friedensverhandlungen mit Frankreich immer mehr in den Vordergrund treten (18.6.1538 Frieden von Nizza), zollt der Angelegenheit keine allzu große Aufmerksamkeit (HHSTAW Hs. bl. 595, fol. 135–149, August 1537 – September 1538). Am 22.9.1538 teilt er mit, daß ihm die Verträge der „ligue catholique" zugegangen seien, deren wichtigste Punkte er exzerpieren lassen werde (fol. 148verso).

[38] HHSTAW Reichsakten i.g. 9/2, fol. 17f. (Schreiben Held an den Kurfürsten von Trier, 16.3.1538).

vollzog die Bundesverträge für sich und seinen Bruder Wilhelm ebenso persönlich wie der Wolfenbütteler Herzog. Albrecht von Brandenburg hatte als Erzbischof von Magdeburg und Bischof von Halberstadt Heinrich von Hoym und seinen Kanzler Dr. Christof Türck mit der Siegelung beauftragt und Herzog Georg von Sachsen seine Räte Georg von Carlowitz, Ernst von Miltitz und Dr. Ludwig Fachs. Der Erzbischof von Salzburg und Herzog Erich von Braunschweig-Lüneburg-Calenberg schließlich wurden aufgefordert und sagten zu, ihre Siegel unverzüglich nach München zu schicken.[39]

Die in Nürnberg beschlossenen Werbungen der einzelnen Bundesmitglieder,[40] die darauf zielten, die geistlichen Fürsten des Rheinlands (Mainz, Trier, Köln, Straßburg, Speyer), Frankens (Würzburg, Bamberg), Bayerns (Augsburg, Eichstätt) und Westfalens (Minden, Paderborn, Münster, Osnabrück) und den Bruder Heinrichs d.J. von Braunschweig-Wolfenbüttel, den Erzbischof von Bremen, zu gewinnen, aber auch altgläubige weltliche Fürsten (Kurpfalz, Kurbrandenburg, Mecklenburg, Baden, Henneberg, Harzgrafen) und Städte (Erfurt, Nordhausen, Mühlhausen, Lübeck, Hildesheim) zum Bündnisbeitritt zu bewegen, zerschlugen sich allesamt. Einzig die Verhandlungen mit „Prelatn, Grafn, herrn und vom Adl Im Hegew, Podensee und Allgew" gediehen so weit, daß sie im Februar 1539 in den Bund aufgenommen wurden.[41] Und auch die eindringliche Aufforderung Karls V. im Frühjahr 1539 an die altgläubigen Kurfürsten (Mainz, Köln, Trier, Pfalz, Brandenburg), den Bündnisbeitritt „lenger nit ansteen, noch verziehen" zu lassen,[42] änderte nichts daran, daß die ursprüngliche Bundeskonzeption, alle altgläubigen Herrschaftsträger des Reiches zu vereinen, gescheitert war.[43] Mit dem Tod Herzog Georgs von Sachsen im April 1539 und der Aufnahme des Herzogtums in den Schmalkaldischen Bund (1537/39) wurde es weiter geschwächt.

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[39] HHSTAW Reichsakten i.g. 9/2, fol. 73f. (Bericht Helds an Ferdinand, 16.6. 1538).

[40] Bucholtz, Geschichte, Bd. 9, 370f.

[41] Detailliert zu den Aufnahmeverhandlungen Lupke-Niederich, Nürnberger Bund und zur Aufnahme selbst Bucholtz, Geschichte, Bd. 9, 371–374 (Abschied des Nürnberger Bundes, 12.2.1539).

[42] Bucholtz, Geschichte, Bd. 9, 377f., hier: 378.

[43] Über die Beweggründe der einzelnen Umworbenen, dem Bündnis fernzubleiben, ist an dieser Stelle nicht zu handeln. Sie liegen in der reichspolitischen Situation der Jahre 1538/39 (Stichwort: reichsständische Kompositionspolitik) wie in politischen Opportunitätserwägungen einzelner Stände (knapper Überblick Haug-Moritz, Schmalkaldischer Bund, 61–67).

Festzuhalten bleibt: Kaiser und König favorisierten das auf eine reichsweite Mobilisierung der altgläubigen Herrschaftsträger zielende Bündnis in einem Moment, in dem sie sich außerstande sahen, auf die sich zuspitzende religionspolitische Situation mit dem Ausschreiben eines Reichstags zu reagieren. Karl und Ferdinand traten nicht als Landesherrn, sondern als Kaiser und König dem Bund bei. Schon im Frühjahr 1539 war offenkundig, daß der Bund, in dem sich nur eine Minderheit altgläubiger Obrigkeiten zusammengefunden hatte, nicht als Handlungsgrundlage taugte, um „Irrungen und Zweytracht, und sonderlich den Mißverstandt in unserm Heiligen Christlichen Glauben" (Bundesvertrag) auszuräumen. Und so war bereits in der Gründungsphase offenkundig geworden, daß der Bund die institutionalisierten Kommunikationszusammenhänge und Konfliktlösungsmechanismen des Reiches nicht zu ersetzen vermochte, ob er sie freilich zu substituieren intendierte, ist damit noch nicht geklärt. Erst eine Analyse der in den das Bündnis begründenden Verträgen festgeschriebenen Bündniskonstruktion vermag hier Klarheit zu verschaffen.

In zweierlei Hinsicht unterscheidet sich der Nürnberger Bund grundsätzlich von allen zuvor realisierten und nachher projektierten Bünden mit kaiserlich-königlicher Beteiligung: Er war der einzige, dem Kaiser und König in ihrer Eigenschaft als Reichsoberhaupt resp. designiertes Reichsoberhaupt angehörten, und er war der einzige, in dem sich die Bündner zwar auch „pactsweise,"[44] vor allem aber aus „Keiserlicher Macht" (Bundesvertrag)[45] miteinander vereinigt fanden. Die Ratifizierung der Bundesverträge durch Karl V., die, wie in der Ratifizierungsurkunde zu Recht bemerkt, „zu uberfluß" geschehe, denn

[44] Der Bundesvertrag referiert sich auf das „Christlich zusagen, so wir vorgedachtem unserm lieben Bruder König Ferdinanden, auch unseren gehorsamen Churfürsten, Fürsten und Ständen und dieselbigen uns herwiderumb zu Augspurg und Regenspurg gethan". Die Formulierung deutet auf § 37 des Augsburger Reichstagsabschied (Ernst August Koch, Neue und vollständige Sammlung der Reichs-Abschiede (…), Franckfurt 1747, 311f.) sowie auf die das Bemühen um einen schiedlichen Ausgleich des Religionszwiespalts sich beziehende Passage des Regensburger Reichstagsabschieds (Deutsche Reichstagsakten. Jüngere Reihe, hgg. durch die Historische Kommission bei der Bayerischen Akademie der Wissenschaften, Bd 10/1–3: Deutsche Reichstagsakten unter Kaiser Karl V. Der Reichstag in Regensburg und die Verhandlungen über einen Friedstand mit den Protestanten in Schweinfurt und Nürnberg 1532, bearb. von Rosemarie Aulinger, Göttingen 1992, 1065). Alle anderen realisierten und geplanten Einungen referieren sich nur auf den die Gegenseitigkeit der eingegangenen Verpflichtungen betonenden Begriff des ‚Paktes'.

[45] Zitate geben im Folgenden, insoweit nicht anders angegeben, den Wortlaut des Bundesvertrags wider.

der Kaiser hatte ja wie die anderen Bündnispartner das Bündnis gesiegelt und beschworen, unterstreicht diese Besonderheit des Nürnberger Bundes.[46] Und genau in dieser Eigentümlichkeit wird man, jenseits aller (sehr divergierenden) tagespolitischen Interessenlagen der Kurfürsten, den Grund dafür zu sehen haben, daß die Kurfürsten trotz intensiven Werbens dem Bündnis fernblieben und Albrecht von Brandenburg nur für seine mitteldeutschen Bistümer, nicht aber als Mainzer Kurfürst dem Bund beitrat. Denn einem Bündnis anzugehören, das als Ausfluß ‚kaiserlicher Macht' vorgestellt wurde, war mit dem kurfürstlichen Selbstverständnis unvereinbar.[47]

Bündniszweck ist – und hierin gleicht der Nürnberger Bund den anderen kaiserlich-königlichen Bünden – die „Handhabung Friedens und Rechtens". Während im Schwäbischen, Neunjährigen und dem geplanten kaiserlichen Bund von 1547 jedoch die Wahrung des „gemain Lanndtfriden" im Zentrum stand,[48] sollte mittels des 1538 verabredeten Bündnisses der in Nürnberg 1532 geschlossene „Friedstand", den „wir von wort zu wort hiemit erholet und repetirt haben wollen", sowie die (nicht näher spezifizierten) Reichsabschiede aufrechterhalten werden. Daß das Bündnis gerade in Nürnberg abgeschlossen wurde, ist somit kein Zufall, sondern Programm.[49] Für die Vertragschließenden und künftigen Bündnismitglieder, für „alle derselben Untertanen geistlich und weltlich, und die so uns oder ihnen erblich oder ihr lebenlang in unsern Fürstenthumben und Gebieten zuversprechen zustehen" soll mittels des Bündnisses erreicht werden, daß sie bei „unser wahren

[46] Die Ratifizierungsurkunde vom 20.3.1539 ist gedruckt bei Bucholtz, Geschichte, Bd. 9, 376f. hier: 377.

[47] Zum Rollenverständnis der Kurfürsten Albrecht P. Luttenberger, Kurfürsten, Kaiser und Reich. Politische Führung und Friedenssicherung unter Ferdinand I. und Maximilian II., Mainz 1994; Axel Gotthard, Säulen des Reiches. Die Kurfürsten im frühneuzeitlichen Reichsverband, 2 Teilbände, Husum 1999.

[48] So die Formulierung des Neunjährigen Bundes (Spieß, Bund, 98); zum Schwäbischen Bund, dessen Bündner sich auf die Wahrung „gemeinem frid, recht und nutz" verpflichteten, vgl. Carl, Schwäbischer Bund, 365–369, hier: 366; und zum kaiserlichen oder „Reichsbund" von 1547: Spieß, Bund, 219. Am Rande: Der „Reichsbund" erweiterte im Vergleich zum Schwäbischen Bund den Bündniszweck und kompensierte damit ein, wie von Carl betont, zentrales Defizit des Schwäbischen Bundes. 1547 wurde nicht nur die Landfriedenswahrung als bündische Aufgabe definiert, sondern auch, daß „Ruhe und ainigkeit auch gute Pollicey unnd Ordnung im heiligen Reich deutscher Nation angestellt" werde.

[49] Zur symbolischen Dimension der Ortswahl Carl, Schwäbischer Bund, 221–224; Haug-Moritz, Schmalkaldischer Bund, 220–222.

christlichen Religion, Gebreuchen, Ordnungen, Satzungen und Ceremonien und also ein Theil neben dem andern, biß auff das berührte Concilium, oder Erörterung des Zweyspalts, vermög des obangeregten Friedstand in der Religion friedlich wohnen und bleiben mögen".

Nicht die Religion der Bündner als solche war demnach Gegenstand des Bündnisses, sondern sie geriet nur insoweit in dessen Fokus als der religionspolitische Status quo, der in kaiserlich-katholischem Verständnis mittels des 1532 aus „röm. ksl. machtvollkommenheit und rechtem wissen" erlassenen Landfriedensmandats[50] hergestellt worden war, durch das Verhalten der „Gegenseite" gefährdet wurde. Demzufolge war auch die Aufnahme der „stette und andere stende bey denen die lutherische maynung albereith eingerissen" denkbar, unter der Bedingung freilich, daß „dieselben (…) bey jrer religion wie sie itzo seindt, bis uff ein gemein Christlich Concilium oder reformation" bleiben und „keine fernere enderung oder newerung vornhemen" und von vornherein die Verbindlichkeit der künftig zu fassenden kirchenreformerischen Beschlüsse anerkennen.[51]

Wie alle anderen kaiserlich-königlichen Bünde ruhte demnach auch der Nürnberger Bund in der altüberkommenen rechts- und friedewahrenden Funktion des Reichsoberhauptes, das sich nun freilich in Anbetracht der neuen Herausforderungen und der tagespolitischen Situation anderer Mittel bedienen mußte, um seiner Aufgabe gerecht zu werden. Stand bei den anderen Landfriedensbünden – wie von Carl für den Schwäbischen Bund ausführlich gezeigt[52] – die Friedewahrung im Innern, d.h. zwischen den vertragschließenden Parteien, in einem komplexen Spannungsverhältnis zu der kraft des Bundes zu bewerkstelligenden gemeinsamen Selbstbehauptung gegenüber Dritten, so verschob sich im Nürnberger Bund – und das ist die dritte fundamentale Differenz zu den anderen Bünden – der Akzent ganz eindeutig auf letzteres. „(A)llein zur Gegenwehr" war der Bund „auffgericht",

[50] Druck: Deutsche Reichstagsakten Jüngere Reihe, Bd. 10, 1525–1527; öffentlich gemacht wurde 1532 nur dieses Mandat, nicht jedoch der Vermittlervertrag und dessen kaiserlichen Bestätigung (zu den aus diesem Verfahren resultierenden Konsequenzen vgl. Haug-Moritz, Schmalkaldischer Bund, 116–118). Und so ist es auch kein Zufall, daß die Narrationes des Bündnisvertrags von 1538 und des Landfriedensmandats von 1532 große Nähen aufweisen.

[51] Bucholtz, Geschichte, Bd. 9, 366–370, hier: 368f. (Abschied des Nürnberger Tages vom 12.6.1538).

[52] Carl, Schwäbischer Bund, 423–499.

d.h. die Bündner verpflichteten sich darauf, gemeinsam ihre Deutung des kaiserlichen Landfriedensmandats von 1532 als ultima ratio auch mit bewaffneter Hand zu verfechten.[53] Leitete sich bei den anderen Bünden ihre Konfliktfähigkeit aus ihrer Eigenschaft als „Friedens- und Rechtsgemeinschaft" her, so konstituierte sich der Nürnberger Bund als Konfliktgemeinschaft, die die Friedewahrung zwischen den Mitgliedern nur funktional in den Blick geraten ließ. Die Tatsache, daß der (a) Bezugspunkt „Landfriedenswahrung" erhalten blieb, hatte für die Konstruktion des Bündnisses ebenso weitreichende Konsequenzen wie (b) die Umkehrung des Bedingungszusammenhanges von „Friede" und „Konflikt".

(a) Die Begrenzung des Bündniszwecks darauf, daß der „friedstand" in „alle wege festiglich und unverbrüchlich gehalten werden" solle, definierte das Bündnis als subsidäres Moment der Reichsverfassungsordnung. Denn der Einsatz der gegenwehrlichen Gewalt sollte nur dann statthaben, wenn sich der Widerpart „deß gemeinen ordentlichen Rechtens, Landfriedens, und berührter jüngst außgegangenen Reichs-Abschieden, Mandaten und friedstandt nicht settigen lassen wolte oder würde", worauf freilich nach den Ereignissen des Schmalkaldener Tages von 1537 alles hindeutete. Und auch in diesem Fall griff das Bündnis nur dann Raum, wenn eine „gütliche(n) Handlung", die von den Obersten und Räten des Bündnisses vorzunehmen war, erfolglos verlief. Schiedlich sollten schließlich auch die Konflikte zwischen den Bündnismitgliedern beigelegt werden. Der Bund aber – auch dies eine Folge seiner „Außenorientierung" – sah keine institutionellen Strukturen für die interne Konfliktregulierung vor. Führten die gütlichen Handlungen zu keinem Ergebnis, so waren die Bündner auf die rechtlichen Instrumentarien des Reiches, aber auch auf die in „Erb- und ander Einigungen und Verträgen" vereinbarten Wege des Konfliktaustrags verwiesen.

Der Bezugspunkt „Landfrieden" leitete das gemeinsame bündische Handeln aber nicht nur aus der Rechtsordnung des Reiches ab und ordnete es dieser unter, sondern verwies auch innerterritoriale Konfliktlagen der Mitglieder in die Zuständigkeit des Bündnisses. Der Bündnisfall hatte nämlich nicht nur gegen die „Protestierende des

[53] Zum Gegenwehrbegriff vgl. Gabriele Haug-Moritz, Widerstand als „Gegenwehr". Die schmalkaldische Konzeption der „Gegenwehr" und der „gegenwehrliche Krieg" des Jahres 1542, in: Friedeburg, Widerstandsrecht, 141–161.

Schmalkaldischen Bunds verwandte Stände“ selbst statt, sondern auch, wenn diese „sich befleissigen“ „unsere Underthanen (…) heimlich oder offentlich auffwegig zumachen“ und auch dann „so vielleicht dieselben Underthanen wider ihre Obrigkeit von sich selbst auffwegig und ungehorsam würden.“ Daß der Nürnberger Bund als Zielpunkt gemeinsamer Aktionen gegen die Untertanen nur die militärische Repression und keinerlei schiedliche Mittel in Aussicht nahm, weist einmal mehr auf die strukturelle Differenz zu den anderen Landfriedenseinungen der Reformationszeit hin.[54]

(b) Das im Vergleich mit anderen „Landfriedenseinungen“ grundsätzlich anders gelagerte Verhältnis von Friedewahrung und Konfliktbereitschaft aber schlägt sich am offenkundigsten in der formell wie inhaltlich gänzlich anders gelagerten Konstruktion des bündischen Handlungszusammenhangs nieder. Während bei den anderen Einungen die Verpflichtung der Bundesgenossen zu gegenseitigem militärischem Beistand sich aus der friedewahrenden Funktion der Einung ableitete und in den Bundesordnungen geregelt wurde, ruhte der Nürnberger Bund auf zwei auf den 10. Juni 1538 datierenden Urkunden, in der Sprache der kaiserlichen Kanzlei – der „Ainigung“ und dem „Neben Vertrag“. Die „Ainigung“ gab, indem sie Inhalt und Zweck, Legitimation und Reichweite, Dauer (24.6.1538–23.6.1549) und räumliche Erstreckung des Bundes[55] sowie kursorisch auch die Bundesorganisation regelte, den Rahmen vor, der im Nebenvertrag aufgefüllt wurde und damit erst die Handlungsfähigkeit des Bundes herstellte.

War der Bündnisfall bei Schwäbischem, Neunjährigem und (geplantem) „Reichs“-Bund gegeben wann immer einer der Bundesgenossen „wider Recht den Landfriden oder diese Ainigung angegriffen oder beschedigt würd,“[56] so sahen sich die Nürnberger Bündner genötigt, den Bündnisfall genau zu definieren. Die Verpflichtung zur gegenseitigen

[54] Daß sich demgegenüber der Schwäbische Bund primär als ‚bewaffneter Vermittler‘ in Untertanenkonflikten verstand und diese Rolle auch erfolgreich praktizierte zeigt Carl, Schwäbischer Bund, 482–497.

[55] Der Bund erstreckte sich auf die Länder der ‚deutschen Nation und Sprache‘; auf kaiserliches Auffordern hin sollte es aber auch den „Niderländischen Landschafften, oder auch andere Fürsten, Graffen, Prelaten, Ritterschaft, Stätt oder sondere Personen“ offenstehen, dem Bund beizutreten.

[56] So die Formulierung des Neunjährigen Bundes bei Spieß, Bund, 115; bei mutwillig vom Zaun gebrochenen Konflikten freilich endete, dies gilt auch für alle anderen hier zur Betrachtung stehenden Einungen, das Prinzip, daß der Bundesgenosse nach der Maßgabe „als wär die Sach unser yeglichs selbs aigen Sach“ (ebd., 424). zu unterstützen sei.

Militärhilfe trat – jenseits der (bereits erwähnten) Untertanenunruhen – ein, wenn ein Bündnismitglied, dessen Untertanen und diejenigen, die ihm „zuversprechen zustehen", (1.) Beeinträchtigungen „von unser wahren Religion, Ceremonien, Satzunge, Ordnungen und Gebreuchen freffentlich oder mit gewalt" erfährt; „oder (2.) in andere wege in der Religion, und was derselben von rechts wegen anhangen und nachfolgen" beschwert wird und (3.) auch dann „wenn in einem anderen schein als weltlichen und andern Sachen" vom Gegenteil gegen einen der Bündner, dessen Untertanen und Schutzverwandten vorgegangen wird. Der Bündnisfall war damit definitorisch weit und wenig präzise gefaßt. Seine dissimulierende Umschreibung trug dem im Vorfeld der Bundesgründung zwischen Herzog Georg und den bayerischen Herzögen aufgebrochenen Dissens über die inhaltliche Reichweite des Bündnisses Rechnung, hatten sich doch die bayerischen Herzöge geweigert, einem Bündnis beizutreten, das auch „prophansachen" zu seinem Gegenstandsbereich erklärte, wohingegen die sächsischen Räte erklärten, keinem Bündnis beizutreten, das diese nicht auch umfasse.[57] In einer Hinsicht aber präzisierten die Nürnberger Bundesgenossen – und dies ist eine ganz direkte Reaktion auf das in Schmalkalden von protestantischer Seite artikulierte Verständnis des Reformationsrechtes – ihr ansonsten in das Ermessen der Bündner gelegte Verständnis der „religion sachen", die unter das kaiserliche Landfriedensgebot von 1532 fielen: Gegen Eingriffe in ihre Eigentumsrechte („alle Geistliche Stifftungen, Gütere, Rhente, Gülde oder Zinse") wollten sie sich gemeinsam zur Wehr setzen.

Wie die anderen „kaiserlichen" Bünde kannte der Nürnberger „Bundesfunktionäre",[58] die durch den Kaiser verordneten Obersten der „oberländisch" und „sächsisch" Provinzen, d.s. Herzog Ludwig von Bayern und Herzog Heinrich von Braunschweig-Wolfenbüttel, und von den Bündnismitgliedern ihnen zugeordnete und auf den Bund vereidigte Räte.[59] Schlägt sich in der kaiserlichen Verordnung der Obersten erneut

[57] Baumgarten, Karl V., 288–290; vgl. auch den Bericht Helds vom Speyrer Tag, 5.3.1538 (gdr. Cardauns, Geschichte, 364–367).

[58] Zum Begriff „Bundesfunktionäre" und dessen Implikationen vgl. Carl, Schwäbischer Bund, 261–340.

[59] Zu Bundesräten wurden im Juni 1538 ernannt: Hugo von Montfort (Kaiser Karl), Ulrich von Schellenberg (König Ferdinand), Heinrich von Hoym (Erzbischof Albrecht), Hans Weissenfelder (Herzöge Ludwig und Wilhelm von Bayern), Ernst von Miltitz (Herzog Georg), Georg von Dannenberg (Herzöge Erich und Heinrich); die Ernennung des Salzburger Bundesrates sollte nachgeholt werden (Bucholtz, Geschichte, Bd. 9, 367f.).

die im Vergleich mit anderen „Landfriedenseinungen“ grundsätzlich anders geartete Stellung des Reichsoberhaupts im bündischen Handlungskontext nieder, so markiert die im Nebenvertrag vorgenommene Funktionszuschreibung an die Bundesfunktionäre die weitreichendste Differenz zu anderen Einungen mit kaiserlich-königlicher Beteiligung. Der Bündniszweck, die gemeinsame „Gegenwehr“, gab die Bündnisorganisation vor.

Zwar war der Entscheidungsfindungsprozeß und die Rolle, die dabei den Bundesfunktionären zukam, analog zu den entsprechenden Regelungen des Schwäbischen Bundes organisiert,[60] doch im Gegensatz zum Schwäbischen Bund war ihr Aufgabenspektrum ausschließlich auf die „Handhabung, Execution und Vollnziehung“[61] der „Gegenwehr“ ausgerichtet. Oberste und zugeordnete Räte definierten den Konfliktfall, organisierten die Mobilisierung der bündischen Hilfe und entschieden verbindlich über die finanziellen Erfordernisse und das strategische Vorgehen im Konflikt. Wem die Kompetenz zukam, Konflikte zu beenden, war nicht geregelt,[62] wohl aber wer für die prospektive Dimension der zu organisierenden gegenseitigen Militärhilfe zuständig war. Ludwig von Bayern und Heinrich von Braunschweig-Wolfenbüttel oblag es als Obersten „gute Kundtschafft und achtung“ zu haben, vor allem aber bis zu 15 Unterhauptleute und Rittmeister auf Wartgeld in ihrer Provinz zu bestallen. Im Mobilisierungsfall aber stand den Obersten nicht nur die zuvor geschaffene militärische Infrastruktur zur Verfügung, sondern ihnen kam auch – gemeinsam mit den Bundesräten – die Verfügungsgewalt über den „Vorrath“ zu, dessen „Soll“ sich auf 182.000 fl. belief. Von allen Kosten trugen Kaiser und König gemeinsam den vierten Teil (im Falle des Vorrats mehr), alle anderen Bündner ¾, die unter ihnen gemäß den Reichsanschlägen umgelegt wurden. Gegenüber säumigen Zahlern besaßen Oberste und Bundesräte Sanktionsgewalt. Im Gegenzug erhielten die Obersten, nicht jedoch die Bundesräte, die von den verordnenden Mitgliedern selbst finanziert wurden, eine Besoldung auf

[60] Hierzu ausführlich Carl, Schwäbischer Bund, 200–255 (Verbindlichkeit der Beschlußfassung; Geheimhaltungspflicht; Mehrheitsentscheidung, ausschlaggebendes Votum der Obersten/Hauptleute etc.).

[61] So die inhaltliche Umschreibung des Nebenvertrags bei Hortleder, Ursachen, VIII. Buch, 15. Kapitel.

[62] Auch diese „Lücke“ wird man der, im Vergleich mit anderen Bünden mit kaiserlich-königlicher Beteiligung, andersartigen Bündniskonstruktion des Nürnberger Bundes zuzuschreiben haben. Frieden zu schließen, war eine vom Kaiser beanspruchte Prärogative.

„Wartgeld“ in Höhe von 1000 fl. In ihre Kassen floß zudem die für Bestallungen und Geschäftsführung (Schreiber und Substitut) jährlich zu entrichtende Abgabe der Bündner, deren Höhe von ihnen und den Bundesräten nach dem Verteilungsschlüssel des „Vorrats“ flexibel festgelegt werden sollte. Über diese Gelder hatten sie den Bundesräten Rechnung zu legen.

Als weitere Zwischenbilanz sei festgehalten: Legitimatorische Grundlage des Nürnberger Bundes ist – wie auch bei anderen Landfriedenseinungen – die altüberkommene friede- und rechtswahrende Funktion des Reichsoberhauptes. Die – im Unterschied zu anderen Landfriedenseinungen – veränderte Positionierung des Kaisers im Bundesgefüge indiziert, daß im Zeichen des seit 1537 sich zuspitzenden religiös-konfessionellen Dissenses der tradierte Bezugspunkt kaiserlichen politischen Handelns weiter an Bedeutung gewinnt. Entstehungssituation, der Rekurs auf das kaiserliche Landfriedensmandat von 1532 und inhaltliche Ausgestaltung des Bundes (keine institutionalisierte Form zwischenständischer Friedewahrung) lassen das Verhältnis zwischen Bund und institutioneller Reichsordnung nicht als eines von „Konkurrenz und Symbiose“ erscheinen, sondern weisen den Bund als subsidiäres Moment der politischen Ordnung des Reiches aus. Nur wenn die Situation sich so darstellte, daß die reichische Rechtsordnung den vom Kaiser gebotenen Frieden nicht zu gewährleisten vermochte, trat der Bund ins Mittel. Daß die Zeichen der Zeit jedoch immer offenkundiger in diese Richtung deuteten, ‚Irrungen und Zwietracht‘ trotz aller kaiserlichen Bemühungen, sie „in der Güte hinzulegen und in Besserung und Gleichheit zubringen“, immer mehr zunahmen, machte es notwendig, zur Friedewahrung den Einsatz „rechter Gewalt“, d.i. die „Gegenwehr“, als letztes Mittel ins Auge zu fassen und zu organisieren.[63] Denn das Recht zur „Gegenwehr“ stand nicht nur als naturrechtlicher Tatbestand jedermann zu, sondern war 1521 im Wormser Landfrieden ausdrücklich als Bestandteil der Rechtsordnung des Reiches definiert worden.[64]

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[63] Zur gegenwehrlichen Gewalt als „rechter Gewalt“ vgl. Gabriele Haug-Moritz, „Ob wir uns auch mit Gott/Recht und gutem Gewissen/wehren mögen/und Gewalt mit Gewalt vertreiben?“ Zur Widerstandsdiskussion des Schmalkaldischen Krieges 1546/47, in: Schorn-Schütte, Interim, 488–509.

[64] Deutsche Reichstagsakten, Jüngere Reihe, Bd. 2: Deutsche Reichstagsakten unter Kaiser Karl V. Der Reichstag zu Worms 1521, bearb. v. Alfred Wrede, Gotha 1896, 318f.

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Bevor abschließend nach dem Platz der beiden „Religionsbündnisse“ der Reformationszeit in der Verfassungsordnung des Reiches gefragt werden kann, ist es notwendig, in einem ersten Schritt Gemeinsames und Trennendes kursorisch zu skizzieren. Geschehen kann dies aufgrund der Forschungssituation zum Nürnberger Bund jedoch nur auf der Ebene der normativen Vorgaben wie sie uns in den das Bündnis konstituierenden Verträgen entgegentreten. Daß dieses Defizit nicht so gravierend ist, wie es auf den ersten Blick scheinen könnte, haben die Forschungen zum Schwäbischen und Schmalkaldischen Bund veranschaulicht. Beide haben gleichermaßen herausgearbeitet, in welch hohem Maß bündische Handlungsmuster von diesen Vorgaben geprägt waren.[65]

Schon eine oberflächliche Betrachtung von Schmalkaldischem und Nürnberger Bund läßt die Unterschiede der beiden Einungen offenkundig werden: Sie reichen von der Zusammensetzung der am Bündnis Teilhabenden – beim Schmalkaldischen Bund hoher Adel und Städte, beim Nürnberger Bund Kaiser, König, hoher und niederer Adel –, über den grundsätzlich divergierenden genossenschaftlichen Charakter beider Einungen – beim Nürnberger Bund zahllose Elemente, die ihn nach der Korporationstheorie des Ius commune als „universitas“ charakterisieren (von den besoldeten und auf den Bund vereidigten Bundesfunktionären, der Sanktionsgewalt nach innen, bis hin zur apriorisch festgeschriebenen Verbindlichkeit der Beschlußfassung), die beim Schmalkaldischen Bund allesamt fehlen[66] –, bis hin zur Genese der beiden Bündnisse. Während beim Schmalkaldischen Bund der durch den Bundesvertrag vorgegebene Handlungsrahmen erst nach fünf Jahren in Gestalt der sog. „Verfassung zur Gegenwehr“ aufgefüllt werden konnte,[67] datieren beim Nürnberger Bund die beiden Verträge auf den gleichen Tag.

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[65] Carl, Schwäbischer Bund, 508 faßt diesen Sachverhalt in dem Satz zusammen: „Die Zwecksetzung einer Landfriedenseinung legte schließlich auch die Handlungsmuster des Bundes fest.“ Gleiches gilt für den Schmalkaldischen Bund Haug-Moritz, Schmalkaldischer Bund, passim.

[66] Zum divergierenden genossenschaftlichen Charakter von Schwäbischem und Schmalkaldischem Bund ausführlich Haug-Moritz, Schmalkaldischer Bund, v.a. 272f., 486f., 493f., 573f., 591–594.

[67] Ein knapper Aufriß der Entwicklung des Schmalkaldischen Bundes bei Haug-Moritz, Schmalkaldischer Bund, 1–4.

Den Gründen für diese auffallende zeitliche Differenz nachzugehen, führt medias in res.

Daß die Nürnberger Bündner sich nicht deswegen schneller auf die Ausführungsbestimmungen des Bundesvertrags verständigen konnten, weil sie sich auf andere Inhalte als die Schmalkaldischen verständigten, zeigt ein Blick auf die Bundesverträge. Nicht nur die formale Struktur ist bei beiden Einungen identisch – Bundesvertrag und die Ausführung des Hauptvertrags regelnder Nebenvertrag – , sondern auch die materielle Seite. Beide Einungen sind, wie schon die zeitgenössische Bezeichnung des schmalkaldischen ‚Nebenvertrags' als „Verfassung zur Gegenwehr" zu erkennen gibt, um die (zuvor für den Nürnberger Bund genauer dargelegte) Ausgestaltung der gegenseitigen Hilfspflicht zentriert und treffen hierfür identische Regelungen: Aufbau einer militärischen Infrastruktur im Vorfeld des präsumptiven Konflikts, Regelung der Finanzen und Festschreibung der Entscheidungsfindungsprozesse, die insbesondere im militärischen Konfliktfall die Handlungsfähigkeit des Bündnisses gewährleisten sollen. Und auch die inhaltlich offene Definition des Bündnisfalls ist für beide Bünde charakteristisch. Beide Bünde lösen schließlich die Ausnehmungsfrage in ganz spezifischer Weise. Während die Schmalkaldener, dies mit dem Bündniszweck begründend, die Ausnehmung durch eine Nichtangriffsklausel ersetzen,[68] kannte der Nürnberger Bund weder Ausnehmungen noch Nichtangriffsklausel.[69] Da man nur die „natürliche(.) Gegenwehr" organisiere und „diese unsere Christliche Verstendnuß die Ehre deß Allmächtigen, auch Handhabung unsers heiligen Glaubens, alte hergebrachte Christliche gebreuche und ceremonien betrifft, und (…) allein darumb [abgeschlossen worden sei], daß wir bei solchem Christlichen glauben und ceremonien, Landfrieden, und ordentlichen Rechten bleiben", sei es „von unnöthen hierin einig außnehmen zuthun".

Jenseits der im Vergleich zu den Schmalkaldenern weiterreichenden innerbündischen Handlungsfähigkeit der Funktionsträger des Nürnberger Bundes, unterscheiden sich die beiden Bünde inhaltlich nur in einer Hinsicht. Im Nürnberger Bund ist das Regionale formell als Funktionsprinzip der Einung festgeschrieben, wohingegen im Schmalkaldischen Bund sich die Ausdifferenzierung in einen sächsischen und oberländi-

[68] Vgl. Diethelm Böttcher, Ungehorsam oder Widerstand? Zum Fortleben des mittelalterlichen Widerstandsrechtes in der Reformationszeit, Berlin 1991, 14–18.

[69] Zum Problem der Ausnehmungen in anderen Bünden vgl. Carl, Schwäbischer Bund, 82–93 und Haug-Moritz, Schmalkaldischer Bund, 87–92.

schen Kreis aus der Logik der 1535 etablierten kursächsisch-hessischen Doppelspitze herschreibt und sich als zentrales Funktionsprinzip der Einung erst erschließt, wenn man deren Kommunikationsstrukturen eingehender Analyse unterzieht. Erscheint der Nürnberger Bund im Bundesvertrag als ein aus zwei regionalen Subsystemen bestehendes Ganzes, dessen Teile durch die Obersten als kaiserliche Mandatare verklammert sind, so kennt der schmalkaldische Bundesvertrag nur die Bündner in ihrer Gesamtheit. Und auch die 1535 etablierte Geschäftsführung der Hauptleute, Kurfürst Johann Friedrichs von Sachsen und Landgraf Philipps von Hessen, wurde nicht räumlich, sondern zeitlich abgegrenzt – halbjährlich sollte die Aufgabe eines „regierenden Hauptmanns" zwischen den beiden Repräsentanten der bündischen Vormächte wechseln. Betont der schmalkaldische Bundesvertrag damit die Kohärenz des bündischen Handlungszusammenhangs, so verzichtet der Nürnberger Bund auf diese, wie sich für den Schmalkaldischen Bund zeigen läßt, Fiktion, daß das Bündnis ein alle Beteiligten umfassender Handlungszusammenhang sei, der auf der Grundlage der Mobilisierung aller ständisch wie regional äußerst heterogenen Teilnehmer gleichermaßen funktioniere. Daß der Nürnberger Bund auf diese Fiktion verzichten konnte, hängt sicherlich auch mit der geringeren ständischen Diversität seiner Teilnehmer zusammen, vor allem aber mit der grundlegend anders gearteten Legitimität des bündischen Miteinanders, aus der sich auch die Schwierigkeiten herschreiben, die dazu führten, daß der Prozeß der Erarbeitung und Verabschiedung einer „Verfassung zur Gegenwehr" bei den schmalkaldischen Obrigkeiten so lange währte.

Der Nürnberger Bund wurzelte, wie zuvor gezeigt, in der rechts- und friedewahrenden Funktion des Reichsoberhauptes und legitimierte seine Existenz mit der Notwendigkeit, die durch die religionspolitischen Entwicklungen immer gefährdetere Rechts- und Friedensordnung des Reiches aufrechtzuerhalten. Er indiziert die Schwäche der institutionellen Möglichkeiten der Rechts- und Friedewahrung des Reichsoberhauptes, die in der aktuellen Situation der Jahre 1537/38 besonders evident waren. Er konnte (mangelnde Resonanz) und wollte (Bündniskonstruktion) und mußte diese Strukturen aber nicht ersetzen, um Legitimität zu erlangen. Indem er als kaiserliche Schöpfung an die ständeübergreifende Fundamentalnorm (Carl) „Frieden" anknüpfte, verfügte er über einen Legitimitätsüberschuß, der nicht nur dazu führte, daß der „Nebenvertrag" sogleich mit der Gründung des Bündnisses verabschiedet werden konnte, sondern auch, daß Reichsvizekanzler Held im Herbst 1537 daran dachte, „apres la conclusion finale" die Bundesverträge „par tout

l'empire" zu drucken, „que toute la Germanie soit informee de ladicte ligue et mesmens (!) que le populaire et paysans voyent et congnoissent a loeil la benignite et debvoir de V. M^te^ pour etablir paix et transquillite en la Germanie et les practicques et empinses des aultres au contraire."[70] Bundesvertrag und „Verfassung zur Gegenwehr" des Schmalkaldischen Bundes hingegen unterlagen strikter Geheimhaltung.[71] Und noch die Bundesverträge selbst spiegeln diesen Legitimitätsüberschuß: Denn im Vergleich mit den schmalkaldischen Vereinbarungen fehlt in den Verträgen des Nürnberger Bundes vor allem eins – die umfängliche Rechtfertigung des eigenen Handelns. Denn Selbstverständliches bedarf nicht ausführlicher Begründung.[72]

Zu einem gänzlich anderen Nachweis der Legitimität ihres Handelns sahen sich die schmalkaldischen Einungsverwandten genötigt. Da die „leuft (…) gleich sorglich [und] geschwind" seien, sei es das „schuldig ambt der oeberkait", die Untertanen zu schützen,[73] dem nachzukommen, umso dringlicher sei, da es nicht nur um deren physische Existenz, sondern auch um ihr Seelenheil gehe. Die Legitimität des Bündnisses war damit im obrigkeitlichen Handeln jedes einzelnen Bündnismitglieds verankert und nicht – wie im Nürnberger Bund mit seinen Bezugspunkten „Friede und Recht" – auf der Ebene der den Bündnern gemeinsamen ideellen Interessen. Im Falle des Schmalkaldischen Bundes wäre dies die Behauptung des ‚wahren Wortes Gottes' gewesen. Das Bündnis war um den einzelnen Teilnehmer zentriert und stellt sich in seiner Gesamtheit als die Summe der am bündischen Handlungszusammenhang Partizipierenden dar, die alle gleichermaßen zur Mitsprache berechtigt waren, da sie ihrem obrigkeitlichen Amt auf dieselbe Art und Weise Genüge tun wollten. Gegenüber einem derart konstruierten Handlungszusammenhang aber ließ sich die Einsicht in die Notwendigkeit von Leistungsanforderungen bzw. die

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[70] Cardauns, Geschichte, 357.

[71] Zu den daraus resultierenden Schwierigkeiten bei der Anwerbung neuer Mitglieder vgl. Haug-Moritz, Schmalkaldischer Bund, 152–170.

[72] Zu dem sich dahinter verbergenden grundsätzlichen Problem des Verhältnisses von Diskursen und Praktiken des Politischen in der frühneuzeitlichen europäischen politischen Kultur vgl. Wolfgang Reinhard, Was ist europäische politische Kultur? Versuch zur Begründung einer politischen Historischen Anthropologie, in: Geschichte und Gesellschaft 27 (2001), 593–616 und auch die Beobachtungen bei Haug-Moritz, Schmalkaldischer Bund, v.a. 177f., 386–388, 501–503, 569–595.

[73] So der Wortlaut des Bundesvertrags. Der Bundesvertrag ist gedruckt bei Ekkehart Fabian, Die Entstehung des Schmalkaldischen Bundes und seiner Verfassung 1524/29–1531/35. Brück, Philipp von Hessen und Jakob Sturm, Tübingen ²1962, 347–353.

Bereitschaft, sich auf solche überhaupt einzulassen, nicht mit den von allen Teilnehmern geteilten ideellen Interessen rechtfertigen, sondern sie konnte nur auf dem Wege konsensualer Verfahren hergestellt werden.[74] Nur konsensual vereinbarte, unter Beteiligung aller am Bündnis beteiligten Obrigkeiten verabredeten Inhalte eignete Legitimität und damit Verbindlichkeit, da nur das Verfahren gewährleistete, daß der genossenschaftlichen Vereinigungsidee Rechnung getragen wurde. Konsensuale Verfahren aber beanspruchten Zeit und gestalteten sich bei nahezu zwanzig Teilhabenden, wie die Ausarbeitung der „Verfassung zur Gegenwehr" zeigt, schwierig.[75] Und so legt die auf den ersten Blick scheinbar nebensächlich erscheinende unterschiedliche zeitliche Dauer, die zwischen der Verabschiedung von Bundes- und Nebenvertrag bei Schmalkaldischem und Nürnberger Bund lag, Entscheidendes offen, ohne das es nicht möglich ist, den Ort des Einungswesens im Reich der Reformationszeit zu bestimmen – die Legitimitätsproblematik.

4

Wenn abschließend auf der Basis des zuvor Erarbeiteten einige zur weiteren Diskussion anregende Thesen zum Einungswesen und zur politischen Verfaßtheit des Reiches der Reformationszeit unterbreitet werden, so geschieht dies im Bewußtsein, daß in Anbetracht des Forschungsstandes Vieles eher Hypothese denn These ist. Zudem gerät die Komplexität föderativer Erscheinungsformen nicht in den Blick, da beide Bünde einen ganz spezifischen Typus von Einung repräsentieren und zwar in ihrer formellen Ausgestaltung[76] ebenso wie (und hierin steckt das besondere heuristische Potential beider Einungen für meine Fragestellung) in der genuin „neuen" Problemstellung, die mittels der Bünde bewältigt werden sollte – die Behauptung des jeweils eigenen Glaubens. Weniger ins Gewicht für die Reichweite der dergestalt zu gewinnenden Erkenntnisse fällt hingegen, daß mittels der Betrachtung

[74] Die Bedeutung von Verfahren für das Verständnis der frühneuzeitlichen politischen Kultur wird derzeit in der Forschung zunehmend betont. Vgl. neben dem Klassiker Niklas Luhmann, Legitimation durch Verfahren, Frankfurt/M. 1983 jetzt aus historischer Perspektive Stollberg-Rilinger, Politische Verfahren. Barbara Stollberg-Rilinger (Münster) bereitet derzeit ein größeres Projekt zu diesem Thema vor.

[75] Ausführlich Haug-Moritz, Schmalkaldischer Bund, 396–432.

[76] Der Versuch einer Typologie der verschiedenen Formen gewillkürter Einungen wird unternommen bei Haug-Moritz, Schmalkaldischer Bund, 571–578.

der „Religionsbündnisse“ nur ein Schlaglicht auf die 1530er Jahre geworfen wird. Zwar waren die 1530er Jahre die „reichstags- und kaiserlosen“ Jahre (1532–1540/41), d.h. die Jahre, in denen die neu entstandene und im Entstehen begriffene institutionelle Ordnung wenig Wirkmächtigkeit entfaltete, doch genau dieser Umstand indiziert, was die eingangs gestellte Leitfrage zu klären bestrebt ist – daß die politische Ordnung des Reiches noch in der Reformationszeit von Mustern geprägt war, die viel mehr in die spätmittelalterliche Vergangenheit zurück als in die neuzeitliche Zukunft voraus weisen.

1. Die Bedeutung des Einungswesens für das Verständnis der „layered structure“ (Brady) des Reiches läßt sich nicht auf einen einfachen Nenner bringen. Ja, selbst Bünde mit kaiserlicher Beteiligung lassen sich – jenseits ihres gemeinsamen legitimatorischen Bezugspunktes „Friede und Recht“ – nicht als ein einheitlicher Typus föderalistischer Vergemeinschaftung beschreiben und noch viel weniger kann ihnen ein eindeutig zu bestimmender Ort im Verfassungsgefüge des Reiches zugewiesen werden.[77] Noch viel weniger ist dies beim gegenwärtigen Stand der Forschung für die zahlreichen Föderationen möglich, welche die Obrigkeiten des Reiches ohne Beteiligung des Reichsoberhauptes miteinander schlossen.

2. Schmalkaldischer wie Nürnberger Bund finden im Umgang mit der neuen Herausforderung „Glaubenszwiespalt“ zu keinen neuen Formen der Legitimation des bündischen Miteinanders, sondern rekurrieren auf alte Legitimationsmuster politischen Handelns – im Falle des Nürnberger Bundes auf die Rechts- und Friedewahrung, im Falle des Schmalkaldischen Bundes auf die Verpflichtung der Obrigkeiten, ihre Untertanen zu schützen. Dieser Befund bestätigt eine Erkenntnis, die jüngst auch für den sog. „Widerstandsdiskurs“ der Protestanten gewonnen wurde – wie die Legitimationsmuster weist er in die spätmittelalterliche Vergangenheit zurück.

3. Beide Bünde finden inhaltlich (nahezu) identische Lösungen, um die „Gegenwehr“ zu organisieren. Beide Bündnisse sind „auf den Konflikt hin entworfen,“[78] freilich, dies ist schon die Implikation des Gegenwehrbegriffs, nur als letztes, nicht als vorrangiges Mittel der Konfliktbewältigung. Für den Nürnberger Bund resultiert daraus im

[77] Vgl. auch Horst Carl, Der Schwäbische Bund und das Reich – Konkurrenz und Symbiose, in: Press/Stievermann, Alternativen, 43–63, hier: 62f.

[78] Peter Moraw, Die Funktion von Einungen und Bünden im spätmittelalterlichen Reich, in: ebd., 1–21, hier: 3.

Vergleich mit den anderen realisierten und projektierten Landfriedenseinungen der Reformationszeit ein neuer Bedingungszusammenhang von Friedewahrung und Konfliktbereitschaft. Insofern und als er – wie auch der Schmalkaldische Bund – keine Ausnehmungen kennt, repräsentiert er tatsächlich, wie von der Forschung postuliert, eine neue Form bündischer Vergemeinschaftung.

4. Beide Bündnisse indizieren die seit Mitte der 1530er Jahre immer offenkundiger werdende Unzulänglichkeit der um 1500 entstandenen „neuzeitlich-institutionellen" Instrumentarien der Friedewahrung, zu denen sie jedoch in einem grundverschiedenen Verhältnis standen. Ist es dem Kaiser möglich, das Bündnis als subsidiären Bestandteil der Rechts- und Friedensordnung des Reiches zu definieren, die aufrechtzuerhalten seine genuine Aufgabe darstellt, so vermögen die schmalkaldischen Bündner zu gemeinsamem Handeln nur zu finden, indem sie das politische System des Reiches perspektivieren, als ob es „keine höchste Friedensgerichtsbarkeit" gebe.[79] Da es den protestantischen Obrigkeiten des Reiches – wie gezeigt – auch im Vorzeichen des Glaubenszwiespalts nicht möglich war, ihr politisches Agieren neu, d.h. religiös, zu legitimieren, sahen sie sich genötigt, die rechts- und friedewahrende Funktion des Reichsoberhauptes immer wieder als auch von ihnen geteilten Bestandteil des Grundkonsenses im Reich über die politische Ordnung anzuerkennen. Die Fortschreibung mittelalterlicher Formen der Legitimation politischen Handelns hatte zur Folge, daß das Anknüpfen an spätmittelalterliche Formen der Politik im Reich der Reformationszeit, die kaiserliche und nicht die ständische Position begünstigte und die schmalkaldischen Bündner, nachdem sie ihre Perspektivierung der Verfassungsordnung des Reiches 1542 handelnd realisiert hatten und zur Selbsthilfe geschritten waren, in immer tiefere Aporien führte, an denen ihr Bündnis zerbrach noch bevor es der Kaiser in den Jahren 1546/47 militärisch besiegte.

[79] Böttcher, Ungehorsam, 169.

CREATING A PROTESTANT CONSTANTINE: MARTIN BUCER'S *DE REGNO CHRISTI* AND THE FOUNDATIONS OF ENGLISH IMPERIAL POLITICAL THEOLOGY

Thomas Dandelet

In April of 1549, Martin Bucer, dejected leader of the Reformation in Strasbourg, left that city for England. After more than 25 years of service as a teacher, theologian and preacher, Bucer was suspended from his duties by the city Senate because he refused to accept their decision to abide by the conditions of the peace interim imposed by the Holy Roman emperor Charles V on the city in 1547. The interim restored various privileges and properties to the Catholics of Strasbourg, including the right to celebrate the mass, and Bucer refused to compromise with a power that he considered to be siding with the anti-Christ in Rome.[1]

Indirectly driven into exile by an emperor whose religious decisions he found anything but holy, Bucer spent the last two years of his life writing a book that served, in part, to create a Protestant version of the Holy Roman Emperor. Formally the Regius Professor of Divinity at Cambridge during these years, Bucer was a client of the young king Edward VI.[2] His text was subsequently meant to serve, most immediately, as a primer for the young king. Dedicated to his protector and

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[1] Thomas A. Brady, *Protestant Politics: Jacob Sturm (1489–1553) and the German Reformation* (New Jersey: Humanities Press, 1995), p. 333 and pp. 345–46.

[2] The most recent bibliography of Bucer scholarship published in 2005 lists no fewer than 3314 entries for the period between 1523 and 2004. *Martin Bucer-Bibliographie*, edited by Holger Pils, Stephan Ruderer, amd Petra Schaffrodt (Gütersloh: Gütersloher Verlagshaus, 2005). This list includes 194 titles of texts by Bucer and his correspondents up to his death in 1551. Among these many titles, a small fraction touch on Bucer's time in England including most recently Basil Hall, "Martin Bucer in England," in *Martin Bucer*, ed. David F. Wright (Cambridge: Cambridge University Press, 1994), pp. 144–160; and David F. Wright, "Martin Bucer and England—and Scotland," in *Martin Bucer and Sixteenth Century Europe*, edited by Christian Kriegger and Marc Leinhard (Leiden: Brill, 1993), vol. 2, pp. 523–533. While useful for establishing the historical detail and ecclesiastical connections and influences that Bucer had in England, none of these texts provide an analysis of *De Regno Christi* and its political implications or context.

patron, *Regno Christi* was first published in 1551, the year of Bucer's death. It was a lengthy reflection on the proper relationship between the kingdom of God and the earthly kingdoms of men, and the necessary laws for creating a Christian society. It was also particularly concerned with the right relationship between kings and the Church, and as such it constituted one of the most extensive works of political theology that came out of the first generation of Protestant reformers.[3]

Understood in the context of Bucer's exile and bitter experience with Charles V, together with the still embryonic state of a distinctly Protestant English political theology, *De Regno Christi* represented a bold claim to still un-chartered territory in the English Reformation. A clear challenge to the prevailing Catholic understanding of the relationship between secular and ecclesiastical power, it was also a departure from earlier work of Bucer's and continental Calvinism that had focused on the right of Protestant republics to rebel against Catholic monarchs and the emperor.[4]

It is the role of Bucer as a champion of Protestant republicanism that has been emphasized in much of the historical literature.[5] But the later political model fashioned by Bucer in the English context, the Protestant imperial model, was the longer-lasting and more influential of the two, eventually winning out over even the most violent challenges of the Puritan "republicans" under Oliver Cromwell a century later.

Writing for an established, if threatened, Protestant monarchy in 1551, Bucer stressed in his last work the power, rights, and duties of Christian monarchy. He turned first to biblical and patristic precedents for both the model and justification of views that represented a drastic

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[3] *Melanchton and Bucer*, ed. Wilhelm Pauck (London: SCM Press LTD, 1969), pp. 157–158.

[4] The most recent text that is concerned specifically with Bucer's political theology is Andreas Gäumann, *Reich Christi und Obrigkeit* (Bern: Peter Lang, 2001), pp. 133 and 225. This text focuses primarily on Bucer's work and political experience before he reaches England, and it does briefly note Bucer's use of the Constantinian example for establishing the nature of Christian monarchy. It falls short, however, of providing an analysis of the shifts in Bucer's political theology in the English context, and of charting the elaboration of the Byzantine model that I will be looking at in the pages that follow.

[5] Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978), vol. II, p. 207, p. 228. Skinner notes Hans Baron's 1939 article in *Church History* on "Protestant Republicanism" that in turn notes the role that Bucer played in its formulation.

new turn that took its inspiration from the Catholic Church of late antiquity.

More specifically, in the following pages, I will argue that a careful analysis of Bucer's text reveals that the German reformer, drawing upon the full range of his mature classical, patristic, and biblical learning, developed a political theology for the English monarchy that imitated above all others the political theology of the Byzantine church of Constantine and Justinian. In seeking out a historical precedent that allowed for a dominant monarchical role vis-à-vis the Church and state supremacy over the Church, Bucer pointed to the example of Constantine, above all others, as the role model for the young king Edward VI.

The idea of England as an empire ruled over by a Christian emperor had first been expressed briefly in the English Reformation context in the Restraint of Appeals of 1533.[6] The apparent innovation of Thomas Cromwell as he searched for a suitable historical justification for the political presumptions of his master, Henry VIII, this text, together with the Act of Supremacy of 1534, claimed for the English monarchy a supremacy over the church that echoed the rights of Byzantine emperors without ever mentioning that historical model explicitly.[7]

But it was Bucer who first developed a more comprehensive analysis of the relationship between monarch and church specifically supported by the Byzantine example. In short, Bucer provided the first detailed historical justification for royal supremacy over the Church. His ideas, moreover, remained a lasting foundation of imperial Protestant political theology in early modern England that produced strong, if often unacknowledged, imitators in the decades that followed, and particularly during the reign of Elizabeth and James I.

Elizabeth, James I, and their theologians developed a form of Protestant caesaro-papism that drew explicit parallels with the example of

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[6] *Documents Illustrative of the English Church*, edited by Henry Gee and William John Hardy (London: Macmillan, 1896), p. 187. The relevant text reads: "Where by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people, divided in terms, and by names of spirituality and temporalty, be bounden and ought to bear, next to God, a natural and humble obedience."

[7] G.R. Elton, "The Reformation in England," in *The New Cambridge Modern History, volume II, The Reformation*, ed. G.R. Elton (Cambridge: Cambridge University Press, 1975), pp. 234–235.

Constantine, Theodosius, and Justinian. Part of a wider debate that later included the Venetian interdict controversy and the writings of Paolo Sarpi, the English theologians wrote many of their treatises in the midst of a heated debate with the central scholastic defenders of papal supremacy, Robert Bellarmine and Francisco Suarez. The rhetorical tools that they chose to rely upon, moreover, were tied directly to the earlier work of Bucer that pointed to Constantine as a central historical model for Christian rule.

Bucer may have never explicitly intended for the kings of England to claim an imperial status or adopt imperial ambitions based upon his writings. Yet, it is clear that in developing a political theology that justified the king's superiority over the Church using the example of the first Christian emperors of ancient Rome, Bucer provided later English monarchs and theologians with the intellectual framework for an increasingly imperial political mentality and royal self-conception.

The debate over the relationship between Church and state, between monarch and papacy, became the primary location for the development of an imperial rhetoric. This is not to say that Bucer and the English reformers set out to intentionally develop a formal imperial political theory. Rather, their biblical and historical reflections on the relationship between secular and ecclesiastical authority led them to build up a language and image of the English monarchs that was distinctly imperial. Arguably just as powerful a political force as formal political theory, the language of Christian Empire shaped the image of the monarchs as they came to be represented in texts, images, and rituals. While this linguistic development occurred when the English monarchy's role vis-à-vis the Church was still evolving, the Constantinian example and imagery provided the strongest historical precedent and blueprint that was clearly imperial.

The Reformation in England can thus take its own place along side the Renaissance in laying the foundations for early modern imperial ambition in the West.

The Program and Historical Foundations of Christian Empire

The structure of Bucer's text revolved around the major areas of legal, social, and ecclesiastical order that he urged Edward VI to focus upon in his own reform of the English Church and state. A program for reform rooted in Bucer's experience in Strasbourg and knowledge

of the Reformation in other German lands, *De Regno Cristi* stressed the centrality of the magistrate, in this case the king, in leading the complex set of reforms necessary to create what Bucer considered a truly Christian society.

For Bucer, the reflection on kingship began predictably enough with the biblical examples of David, Hezekiah, and Josiah who he pointed to as having particular zeal among Old Testament kings for the holiness that prefigured the Kingdom of Christ. Joined with these Old Testament kings were the Christian rulers who Bucer finds most worthy of imitation, namely Constantine, Jovian and Theodosius, some of the first Christian emperors of ancient Rome. In Bucer's own words: "All true kings have exhibited very many illustrious examples of this holy zeal for the Kingdom of Christ: as David, Hezekiah, and Josiah among the people of the Old Testament and in the New, Constantine, Jovian, Theodosius and many others, as ecclesiastical and many other histories abundantly testify."[8]

While this list of holy monarchs initially makes no distinction between them, Bucer's Christian view of sacred time and sacred history presents the Christian monarchs as the more perfect examples of kingship, and the rulers who were especially chosen by God to guide the Christian Church. More specifically, Bucer drew upon early church historians, and especially Eusebius, to develop a view of the early Church that saw the reign of Constantine as the first historical moment when God decided to grant the Christian Church a monarch of their own and a time of true grace and peace. After reflecting on the broad tradition of monarchy in ancient history, he reaches the following central conclusion about the divine plan: "The lord promised the people such kings through the prophets, on condition that they fully accept the Kingdom of his son. But in order to show the secret and celestial power of his Son's Kingdom, from the first revelation of his Kingdom to the Gentiles until Saint Constantine, he gave no kings to his people."[9]

This is the pivotal move in Bucer's historical analysis that shapes his text and leads him repeatedly to return back to Constantine's example as he progresses through the fifteen major areas of reform that he chooses to comment on for young King Edward. What is striking about the passage is the description of Constantine as a saint, a status recog-

[8] *Melanchton and Bucer*, p. 188.
[9] Ibid., pp. 190–91.

nized by the Eastern Orthodox Church but not by the Roman Catholic Church in Bucer's time. Clearly, Bucer singles out the Constantinian example as the golden age of Christian monarchy and empire and in so doing sets the Church of England and the English monarchy along an imperial path.

A major component of this model, moreover, was submission of the ecclesiastical authority to the secular authority, a position already staked out in the 1534 Act of Supremacy. Giving historical support to this position, Bucer claimed that the kingdom of Christ "is in its own way subordinated to the kingdoms of this world," and that Christ "wills that his own also should obey from the heart not only the true kings and just princes of this world, but also very iniquitous lords and terrible tyrants to whom public power has been given."[10] Again the authority of the Eastern Orthodox world is invoked as Bucer turns to St. John Chrysostom for support. Commenting on the passage in chapter thirteen of Romans that states, "Let every soul be subject to the powers that are above them," Bucer relies on Chyrsostum's opinion that this teaching applied to priests and monks, and not only the laity.[11]

This use of the Constantinian example certainly served the cause of the English monarch's claims to supremacy over the church, but it also served to bolster important parts of the ecclesiastical agenda of Bucer and other continental reformers. At the top of the list for Bucer and others was the preservation of church property and the use of confiscated monastic lands for the charitable causes of the Church. Many reformers had watched with dismay as Henry VIII had gone after the property of the English church, and Bucer was quick to use the example of Constantine to stress the responsibility of Christian monarchs to preserve and build up the material foundations of the Church. In the section subtitled "The Various Periods of the Church" Bucer first described the first centuries of Christianity as a time when God allowed Satan to stir up the whole world against the Church. But after this, there was a time in which our "King" magnificently fulfills the prophecies mentioned about the happiness and glory of the Church as he did under Constantine and the pious emperors who followed him,

[10] Ibid., p. 186.
[11] Ibid., p. 186.

who adjoined and consecrated both themselves and their wealth and peoples to the Church of Christ insofar as they could.[12]

The message could not have been clearer: the golden age of Christianity under Constantine was a time when the Christian emperor showered his riches on the Church. Constantine's role as a church builder was well known to Bucer and his contemporaries, as was his policy of restoring to the Church lands previously seized by other emperors. Edward VI was obviously being encouraged to be a similar patron. And while Bucer was too politically shrewd to overtly criticize Henry VIII, he did go so far as to specifically point out that the "pious emperors," led by Constantine, held church property to be sacrosanct and never allowed it to be seized by the state, or even exchanged for state property, unless it was for property of equal or greater value.[13]

Royal financial obligations in Bucer's instruction did not end with church buildings and property. They also included paying the clergy and supporting the poor from the public income. Again, the example of Constantine was invoked as the central precedent for both of these duties, and a long text from the decrees of the later Byzantine emperor, Justinian, was also cited to back up this position.[14]

Together with the material well being of the Church, Bucer also required that the king play a central role in the internal affairs of the Church and in the religious behavior of all of his subjects. The observance of the Sabbath, for example, was a matter for the king to attend to and enforce. After all, the church historian, Eusebius, noted that Constantine had sanctioned the mandatory observance of the Sabbath

[12] Ibid., pp. 207–208. Bucer repeated the point in a slightly different version when he wrote, p. 209, "But if one considers how lost in iniquity all kinds of men are, so that always in every people many are called but few are chosen, he will certainly find nothing wanting in the period of Constantine and the emperors who followed him, in regard to the happiness of the Church of Christ promised through the holy prophets, when churches were raised up all over the world and flourished in exceptional piety."

[13] Ibid., p. 297. The most relevant text reads "Those pious emperors held ecclesiastical possessions to be sacrosanct, however they had come to the churches, that they in no way allowed them to be alienated nor even to be exchanges for imperial property, unless for possession equally good, or even better. In this regard, the sanction of Justinian may be quoted here, since it contains much that is pertinient to our consideration."

[14] Ibid., pp. 296–297. The text reads: "just as these emperors paid salaries to the clergy, so they also supported the poor from the public income of the empire. As we previously mentioned, this had been instituted by Constantine the Great."

"with most weighty authority," as had the later emperors Theodosius, Valentinian, Archadius, Leo and Anthemius.[15]

Similarly, the kings were also to watch over the administration of the church and to make sure that all of the different ecclesiastical provinces held two annual synods of bishops to discuss the pressing matters of the day just "as it has been provided for in so many canons and laws of pious emperors." Bucer went on to say that the king should appoint the men who preside with the metropolitan in the synods to keep good order "as pious emperors and kings of old were accustomed to do for the highest good of the churches." Once more, the central historical model for this strong royal hand in the internal governance of the church is Constantine who Bucer described as having presided "in a praiseworthy way at the celebrated Nicene Council."[16]

Numerous other imperial historical examples like these are scattered throughout Bucer's text, and all serve to bolster the king's hand in matters ranging from determining marriage and divorce law to the appointment of judges and the imposition of legal codes. Combined, they created a substantial historical foundation and guide for royal supremacy over the Church, an idea that would be developed further after the brief Catholic interlude under Mary Tudor.

Elizabeth And Constantine

As potentially useful and influential as *De Regno Christi* was as guide for the young King Edward, Bucer's death in 1551 and the king's death shortly thereafter in 1553 meant that the early impact of the text was limited at best. It certainly never had the chance to be acted upon by its first intended student, and there is little evidence that it exercised a substantial influence on theological debate or education in the years immediately following its publication. Moreover, the ascension of the Catholic queen Mary to the English throne following Edward's early

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[15] Ibid., p. 250, The text reads: "On that account, the Lord's Day was consecrated for such things by the apostles themselves. The early churches observed this institution most religiously. The emperor Constantine also sanctioned it with most weighty authority, as Eusebius of Caesarea has testified in the fourth oration on his life. Other emperors also followed him in this, Theodosius, Valentinian, Archadius, Leo, and Anthemius."

[16] Ibid., p. 295.

death ensured the repression of works by the continental reformers like Bucer.

But the Constantinian model and image clearly lived on, and it was in the next Protestant reign of Queen Elizabeth that her theologians and historians began to more fully incorporate the imperial image and language into the English monarchy. On the level of political theology and polemic it was John Jewel, student of Peter Martyr Vermigli at Oxford, and eventual bishop of Salisbury, that picked up where Bucer had left off.

The impact that Bucer's writings had on John Jewel are not explicitly stated in the later author's main work, *An Apology of the Church of England*, first published in 1564.[17] But the Byzantine political theology and historical examples elaborated upon by Bucer are also present in Jewel's work, and it is highly likely that he had read Bucer's work. The text would have certainly been known to Jewel's teacher, Peter Martyr, a fellow exile from the continent who had much contact with Bucer.

Jewel's work has frequently been cited as the primary work that formed the imperial political theology for the English Reformation under the young queen Elizabeth.[18] And the text did present one of the most eloquent and detailed defenses of royal supremacy to that date. Unfortunately, Bucer's earlier and more elaborate formulation of the imperial theme has not been understood or acknowledged in the contemporary literature, but the dependence of Jewel on Bucer's main ideas is very clear.

This is particularly obvious in the treatment of the theme of the authority of the ancient Christian emperors to call and preside over Church councils previously noted above. (p. 12) Just as Bucer had pointed to Constantine's role at Nicea as a critical precedent and example of imperial authority over the bishops and entire Church, so too did Jewel make this precedent the focus of his justification of royal supremacy. More specifically, Jewel wrote: "The Christian Emperors in old time appointed the councils of the bishops. Constantine called the Council of Nicaea. Theodosius the First called the council at Constantinople. Theodosius the Second, the council of Ephesus. Marcian, the

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[17] John Jewel, *An Apology of the Church of England*, ed. J.E. Booty (Ithaca: Cornell University Press, 1963).

[18] See especially Frances A. Yates, *Astraea* (Boston and London: Routledge and Kegan Paul, 1975), pp. 39–42.

council at Chalcedon."[19] Just as Bucer had emphasized the royal role in attending to Church order and governance, so too did Jewel adding for further emphasis that, "Continually, for the space of five hundred years, the Emperor alone appointed the ecclesiastical assemblies and called the councils of the bishops together."[20]

While this view was not historically accurate since it neglected the councils called by early medieval kings like the Visigoths in Spain beginning in the late sixth century, it did serve the polemical purposes of both Bucer and Jewel who sought to elevate the Byzantine model. And again, for Jewel it was the example of Constantine, above all others, that justified the English monarchs' own claims to royal authority over the church: "Greater authority than Constantinus the emperor had and used our princes require none."[21]

The authority that Jewel exercised as the bishop of Salisbury, and one of the most loyal ecclesiastical servants of Queen Elizabeth, ensured that his Constantinian view of royal authority would enjoy a level of influence probably never imagined by Bucer. By 1563, John Foxe, too, had jumped on the imperial band wagon and was fashioning Elizabeth as the English Constantine who had brought an end to the sixteenth century age of martyrdom.[22] Playing Eusebius to Elizabeth's Constantine, Foxe included an image of Elizabeth framed by the C that began a section on Constantine in his famous *Book of Martyrs*.[23] The increase in imperial imagery marked Elizabeth's reign in other realms of English life and letters as well. Numerous sixteenth-century poems, plays, and histories all contributed to an imperial conception of the monarch that had the practical purpose of undermining the competing theory of papal supremacy over the Church that was then being defended by the papacy at the last sessions of the Council of Trent.

Papal authority was once again the specific theological debate that gave raise to what we can consider the third generation of Constan-

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[19] John Jewel, *Apology*, p. 116.

[20] Ibid., p. 117.

[21] Quoted in Yates, p. 42. The view that English political theology is modeled after the example of Constantine and the early Christian emperors was first argued by Yates who writes after this quote from Jewel: "We thus find that the official apologist for the Church of England bases the right of the crown to be head of both church and state on the position of the early Christian emperors in the early church." The only thing lacking in this analysis is the fact that the first architect of such a view was Bucer and not Jewel, something never recognized by Yates.

[22] Ibid.

[23] Ibid., p. 43.

tinian political theology during the reign of James I. The Venetian Interdict controversy at the beginning of the seventeenth century drew in numerous antagonists from distant shores including the new king of England, James I. This monarch surpassed his predecessors in authoring numerous works that bore the distinctive Constantinian claim. And his theologians were steeped in the imperial precedents that the English monarchs were then claiming as their own. The imperial historical foundations and rhetoric, in short, had deepened to include the pagan emperors as well, as illustrated in the introduction to the collected works of King James edited by the Bishop of Winton and Dean of the Royal chapel.

More specifically, in the introduction to *The Workes of the Most High and Mightie Prince, James by the Grace of God, King of Great Britaine, France, and Ireland Defender of the Faith*, the bishop first draws imperial parallels between earlier imperial authors and his monarch. He points out that King James, in leaving writings to his sons, is following the example of emperors: "Basilius, Constantinus, Manuell, and Charles the fifth—left instructions for their sons."[24] He also makes further parallels with imperial authors noting that: "Amongst the Romans, which of their Emperours did not advance his fame by Letters. Julius Caesar, besides many other things, writ his Commentaries after the example of Cyrus.[25] The author goes even further with his imperial model to claim that the example of Caesar was a good precedent "for our Augustus to follow." And among Christian emperors, "That one example of Constantine amongst the Christian emperors shall suffice."[26]

James I, the English Augustus and Constantine, clearly saw himself as a champion and torch bearer of the imperial rights of monarchs against the claims of the papacy to an extent that would have made Martin Bucer proud. In his treatise, "A Premonition to all Most Mightie Monarchs, Kings, Free Princes, and States of Christendome," James called on all European princes to refuse to submit to the arguments for papal supremacy. Arguing with a historical analysis that echoed *De Regno Christi*, he argued that: "all Christian Emperours were for a long

[24] *The Workes of the Most High and Mightie Prince, James by the Grace of God, King of Great Britaine, France, and Ireland Defender of the Faith*, edited and with introduction by James Bishop of Winton, Dean of the Royal Chapel (London: Robert Barker ad John Bill, 1616). The dedication is found in folios a 1–4, followed by introduction folios b 1–4, c 1–4, d 1–4, and e 1–3. Then regular pagination begins but by folio.

[25] Ibid., p. c2r.

[26] Ibid., p. c3r.

time so farre from acknowledging the Pope's Superioritie over them, as by the contrary the popes acknowledged themselves for their Vassals, reverencing and obeying the Emperours as their Lords, for proofe whereof, I remit you to my Apologie."[27]

Repeating many of the same historical arguments as those made by Jewel and Bucer before him, King James proved to be the good student that Bucer had hoped Edward VI might be. As he claimed the same imperial rights of supremacy over the Church that he was convinced Constantine and other Christian emperors had enjoyed, the English Augustus pushed England further along the imperial path as he competed for the spoils of the Christian Roman imperial legacy.

[27] Pp. 287–338. Quote from p. 297.

FRÜHMODERNE STAATSBILDUNG UND DIE ENTSTEHUNG DES NEUZEITLICHEN MÄCHTE-EUROPA

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Das Thema „Frühmoderne Staatsbildung und Entstehung des neuzeitlichen Mächte-Europa" mag für die genuinen Forschungsinteressen des zu ehrenden Gelehrten auf den ersten Blick marginal erscheinen. Da Professor Brady seine sozial- und religionsgeschichtlichen Interessen aber stets in einen weitgespannten, allgemeingeschichtlichen Rahmen einfügt und nie die Aufgabe des Historikers aus dem Auge verliert, gegenwärtigen und zukünftigen Generationen *the big picture* der unverkürzten Vergangenheit zu vermitteln, erscheint mir der im folgenden zu entwickelnde universalgeschichtliche Zusammenhang von innenpolitischer Formierung der europäischen Staaten und außenpolitischer Verdichtung und Institutionalisierung ihrer Beziehungen zum internationalen System einer europäischen, später dann auch mondialen Mächtegesellschaft als Beitrag zu einer Festschrift für Thomas A. Brady nicht ganz ungeeignet. Erfreuen wird ihn jedenfalls die Tatsache, daß eine frühere Version dieser Überlegungen für einen russisch-deutschen Historikerkongreß in Smolensk vorbereitet und in russischer Übersetzung publiziert wurde[1], endete doch Toms lebendiges Interesse an der Geschichte und der gegenwärtigen Befindlichkeit Europas nie an irgendwelchen politischen oder kulturellen Grenzen, auch und gerade nicht in den inzwischen glücklich überwundenen Systemgrenzen des Kalten Krieges. Und als kürzlich in neu-amerikanischer Weltdeutung „Altes Europa" und „Neues Europa" in einer geschichtswissenschaftlich schwindelerregenden Manier umgedeutet und gegeneinander ausgespielt wurden, da konnten seine europäischen Kollegen und Freunde sicher sein, daß Tom Brady dieses machtpolitisch vordergründige Manöver als

[1] *Heinz Schilling*, Stanovlenie evropejskih gosüdarstv rannego novogo vremeni, in: Rossiâ, Pol'ša, Germaniâ v evropejskoj i mirovoj politike, *B.V. Nossov* und *E.E. Ivonin*, Moskau 2002, S. 19–38. – Da ich gegenwärtig unter dem Titel „Konfessionalisierung und Staatsinteressen. Internationale Beziehungen 1559–1660" eine umfangreichere Synthese vorbereite, die voraussichtlich 2006 im Schöningh-Verlag, Paderborn, erscheinen wird, verzichte ich im folgenden auf einen erschöpfenden Anmerkungsapparat.

solches durchschauen und denjenigen seiner Landsleute, die es hören wollten, *the big picture* der alt- oder neueuropäischen Mächte- und Machtstaatskonfigurationen historisch korrekt vor Augen stellen würde. Die nachfolgenden Überlegungen zur sachlich-systematischen Verschränkung von innerer Staats- und äußerer Machtstaatsbildung möchten dazu beitragen, dieses Bild von der Entstehung des neuzeitlichen Europa weiter zu vertiefen und so für die wirklichen historischen Zusammenhänge zwischen Altem und Neuem Europa zu sensibilisieren.

„Am Anfang war der Staat"– so lassen sich, den berühmten Beginn von Thomas Nipperdeys *Deutsche Geschichte des 19. Jahrhunderts* variierend, auch die Entstehungsbedingungen des internationalen Systems europäischer Mächte, ja von Außenpolitik im neuzeitlichen Sinne generell auf den Punkt bringen. Die damit markierte Beziehungsgeschichte zwischen Staat bzw. Staaten einerseits und dem internationalen System der Neuzeit, oder – weniger ambitioniert ausgedrückt – dem neuzeitlichen Europa der Mächte andererseits soll in zwei Schritten skizziert werden: Der *erste*, systematische Teil rückt die strukturellen und prozessualen Zusammenhänge ins Blickfeld. Der *zweite* Teil führt dann an einigen konkreten Beispielen vor, wie unter diesen methodischen und theoretischen Prämissen die Geschichte des internationalen Systems erforscht und dargestellt werden sollte oder könnte, und zwar unter Rückbezug auf den Prozeß der Staatsbildung und die in den einzelnen Phasen dieses Prozesses unterschiedlichen Erscheinungsformen des frühmodernen Staates.

1. *Arrondierung des Staatsgebietes und Monopolisierung öffentlicher Gewalt als strukturelle Bindeglieder zwischen frühmoderner Staats- und Mächtestaatsbildung*

Sehr allgemein gesprochen, war die frühmoderne Staatsbildung durch zwei Schlüsseltendenzen bestimmt, die eine nach innen, die andere nach außen gerichtet, nämlich durch Verflächung und Herausbildung einer höchsten Staatsgewalt im Innern und durch Arrondierung des Staatsgebietes nach außen.

Arrondierung des Staatsgebietes und Außenpolitik. Daß die Arrondierungstendenzen der frühmodernen Staaten unmittelbar mit Außenpolitik und den zwischenstaatlichen Beziehungen verknüpft waren, ist offensichtlich. Denn Arrondierungen waren doch nur auf Kosten anderer Staaten oder konkurrierender Staatsbildungsprozesse zu realisieren. Zwei Hauptwege standen den frühmodernen Staaten hierbei zur Verfügung – ein gewalt-

samer durch diplomatischen Druck, meist sogar durch Krieg beschrittener und ein friedlicher, im Falle der vorherrschenden Fürstenstaaten meist in Form dynastischer Ehen realisierter Weg. Im Ernstfall führte allerdings auch der zweite Weg meist in den Krieg, dann nämlich, wenn der in den Eheverträgen, die in dieser Hinsicht als frühmoderne Staatsverträge zu betrachten sind, geregelte Erbfall eintrat. Denn die konkurrierenden Erben legten die Bestimmungen in der Regel unterschiedlich aus, was ja auch heute bei zivilen Erbfällen nicht selten ist. Zudem stand regelmäßig viel auf dem Spiel, bedeutete doch der Anfall ganzer Länderkomplexe an die eine oder die andere Dynastie zwangsläufig eine erdbebenhafte Verschiebung zwischen einzelnen Staaten und innerhalb des Mächtesystems insgesamt. Die Folgen greifen wir in einer langen Serie von strukturell begründeten „Erbfolgekriegen", von dem sogenannten Jülicher Erbfolgestreit zwischen den Hohenzollern und einem Zweig der Wittelsbacher Anfang des 17. Jahrhunderts im Reich hin zu den großen europäischen Erb- und Thronfolgekriegen des 18. Jahrhunderts, dem spanischen und österreichischen, in gewisser Weise auch dem polnischen Thronfolgestreit.

Angesichts der häufigen Verstrickung der Fürstenstaaten in Kriege aus dynastischen Gründen oder infolge des adligen Bedürfnisses nach Ehre und Ruhm wurde bereits in der zeitgenössischen Politikdiskussion die These von der prinzipiellen, strukturell bedingten Bellizität von Monarchien vertreten. Komplementär dazu stand die These einer ebenfalls strukturellen, also in dem inneren Bauplan der Verfassung verankerten prinzipiellen Friedfertigkeit von Republiken. Vor allem die regentenrepublikanische Publizistik der Nördlichen Niederlande zu Mitte des 17. Jahrhunderts argumentierte in dieser Weise. Solche Visionen erfüllen jedes demokratische Herz mit Freude und Hoffnung. Historisch begründet sind sie aber leider nicht.[2] Denn natürlich war die genannte Theorie der niederländischen Regenten unter Führung Jan de Witts ein Interessenstandpunkt im politischen Ringen mit der Oranier-Dynastie und der Oranier-Partei. Die politische Realität sah ganz anders aus. Zwar war den Republiken zur Arrondierung ihres Staatsgebietes oder zur Verfolgung ihrer sonstigen Interessen der Weg dynastischer Eheschließungen versperrt, und sie waren damit auch nicht

[2] In zeitgemäß gewandelter Form werden solche Vorstellungen auch heute verbreitet, am entschiedensten von dem Frankfurter Politologen und Friedensforscher Ernst-Otto Czempiel, der – abgekürzt formuliert – von der Maxime ausgeht „Demokratien bekämpfen sich nicht gegenseitig".

der Gefahr oder Versuchung ausgesetzt, Erbfolgekriege vom Zaun zu brechen. Dennoch haben auch die alteuropäischen Republiken in ähnlicher Weise Arrondierungspolitik betrieben wie die Fürstenstaaten – ich nenne nur das Beispiel der Stadtrepubliken Florenz und Venedig in Oberitalien oder die massive, nötigenfalls mit militärischer Gewalt verfolgte Interessenpolitik des nordeuropäischen Städtebundes der Hanse. Auch die frühmodernen Flächenrepubliken waren keineswegs prinzipiell friedfertig, und sie schonten sich auch keineswegs gegenseitig: Der erste niederländisch-englische Seekrieg fand 1652–1654 statt, also zu einer Zeit, als beiderseits des Kanals republikanische Regierungen an der Macht waren. Ursache dieses Krieges war, daß sich die englische und die niederländische Republik ebensowenig über die konkurrierenden Handels- und Schiffahrtsinteressen einigen konnten, wie das ein Jahrzehnt später zwischen niederländischer Republik und englischer Stuartmonarchie der Fall war oder auch zur Zeit des dritten Seekrieges 1672–1674 zwischen den beiden monarchischen Systemen, nämlich zwischen der wiedererrichteten Oranierherrschaft in den Niederlanden einerseits und der Stuartmonarchie auf der Insel andererseits. Ja, der dauerhafte Ausgleich, der beide Länder über Generationen hin friedlich zusammenwirken und international als Allianzpartner auftreten ließ, wurde bekanntlich ausgangs des 17. Jahrhunderts unter *monarchischem* Vorzeichen erzielt. In diesem Falle galt also „Monarchien bekriegen sich nicht"– wofern sie – wie im vorliegenden Fall – auf ähnlichen gesellschaftlichen und ökonomischen Fundamenten ruhten und genügend gemeinsame Feinde hatten, im vorliegenden Fall vor allem Ludwig XIV. und das absolutistische Frankreich.

Die Entstehung neuzeitlicher Außenpolitik als staatlicher Monopolisierungsprozeß. Nicht nur die äußeren Arrondierungs- und Staatsinteressenstendenzen der frühmodernen Staaten waren unmittelbar mit der Außenpolitik und dem internationalen Mächtesystem verbunden. Dasselbe gilt auch für die innere Staatsbildung, speziell für die Konzentration der öffentlichen Gewalt beim Staat beziehungsweise beim Fürsten oder republikanischem Magistrat als dessen Trägern:

Modifizierend an Norbert Elias anknüpfend, begreife ich die Durchsetzung neuzeitlicher Außenpolitik als einen wesentlichen Teilvorgang jenes übergreifenden Monopolisierungsprozesses, der im späten Mittelalter einsetzte und im Verlaufe der frühen Neuzeit alle wesentlichen politischen Kompetenzen in die Hand des Trägers der höchsten Staatsgewalt oder – allgemein gesprochen – beim Staat konzentrierte. Innerhalb dieses Langzeitprozesses „Staatsbildung" und „Mächtestaats-

bildung“ lassen sich einzelne Stadien oder Epochen gemäß den jeweils dominierenden Leit-Monopolisierungsprozessen unterscheiden bzw. konstruieren. Es gab Phasen, in denen religiös-kirchliche Faktoren den genannten Prozeß dominierten, und solche, in denen juristisch-verfassungsmorphologische, demographische, ökonomische oder eben auch mächtestaats-außenpolitische Wirkfaktoren im Vordergrund standen. Besonders dynamisch und schubartig Staats- wie Mächtestaatsbildung vorantreibend waren solche Phasen oder Epochen, in denen gleichzeitig zwei der genannten Monopolisierungsprozesse in den Vordergrund traten und sich ihre Wirkkräfte im physikalischen Sinne überlagerten und addierten. Dies war, wie ich meine, im Jahrhundert zwischen 1550 und 1650/60 der Fall, als gleichzeitig Konfessionalisierung und Machtstaatspolitik einen Höhepunkt erreichten. Monopolisierungstheoretisch formuliert: als staatliche Aneignung der Kompetenz über das Kirchen- und Glaubenswesen innerhalb des Staatsgebietes einerseits und „Verstaatung“ der Kompetenz in der Außenpolitik und im internationalen System andererseits zusammenwirkten und der europäischen Geschichte ihren Stempel aufdrückten, und zwar auch der Beziehungsgeschichte zwischen innerer Staats- und äußerer Mächtestaatsbildung. – Dieses Zeitalter der europäischen Konfessionalisierungen ist dann auch eine der beiden Epochen, deren Außenpolitik ich im zweiten Teil etwas genauer beleuchten werde. Zuvor gilt es aber noch einige allgemeine Konsequenzen unserer These von der inneren Abhängigkeit zwischen Staats- und Mächtestaatsbildung zu reflektieren:

Staatsbildung als Vorgang der Monopolisierung und innerhalb dieses Prozesses die Verstaatung der Außenpolitik als Schlüsselvorgang zu begreifen, heißt im Umkehrschluß die These verfechten, daß dort, wo einer der wesentlichen Monopolisierungsprozesse nicht oder nur unvollständig stattfand, keine Staatsbildung erfolgte, jedenfalls nicht bis zu dem Punkt voranschritt, von dem an es sachgerecht erscheint, von einem frühmodernen Staat zu sprechen. Unsere Eingangsthese läßt sich also logisch und historisch umkehren: „Ohne staatliche Monopolisierung der Außenpolitik kein Staat!“

Wichtig ist dieser Umkehrschluß insbesondere für die Historiker des späten Mittelalters und der frühen Neuzeit. Denn diese haben es ja ständig mit politischen Gebilden zu tun, über deren Staatlichkeit beziehungsweise Staatsqualität sie sich Rechenschaft ablegen müssen, wollen sie deren Geschichte nicht mit unsachgemäßen Methoden erforschen und mit falschen, weil anachronistischen Begriffen darstellen. Hilfreich ist dieser Indikator oder Lackmustest – das sei wenigstens

nebenbei bemerkt – auch für die Wahrheitsfindung in einer jüngst unter deutschen Reichshistorikern aufgebrochenen Kontroverse über die Staatsqualität des Alten Reiches nach Abschluß der Verdichtung und Teilmodernisierung um 1650. Mit unseren Kriterien ist die Frage klar zu entscheiden – nach 1650 war das Alte Reich ein teilmodernisiertes, weil an die Staatsbildungsprozesse vor allem der westlichen und nördlichen Nachbarn angepaßtes frühmodernes politisches System; ein Staat aber war es nicht.[3] Denn abgesehen von weiteren, hier nicht zu erörternden Strukturunterschieden im Vergleich zu den zeitgenössischen politischen Organisationen, die mit Recht frühmoderne Staaten genannt werden, besaß das Alte Reich nach 1648 die moderne außenpolitische Kompetenz gerade nicht. Diese Struktureigenart, die die deutsche Geschichtsschreibung heute im Unterschied zu den Machtstaatshistorikern des 19. und frühen 20. Jahrhunderts keineswegs als Schwäche oder Fehlkonstruktion, sondern als historisch bedingte Besonderheit der deutschen Geschichte begreift, ist für die vergleichende historische Verfassungsmorphologie um so aussagekräftiger, als es gerade die Epoche nach 1648/1660 war, in der die Außen- und Machtpolitik allenthalben in Europa zum Kernbestand des Staates und zum Arkanum des Inhabers der höchsten Staatsgewalt wurde. Das ist für die absolutistischen oder semi-absolutistischen Königreiche und Fürstenstaaten ganz offensichtlich, deren innere Konsolidierung ganz entschieden durch die außenpolitische und machtstaatliche Kompetenz des Monarchen und seinen realen Aktionen im europäischen Mächtesystem vorangetrieben wurde.[4]

Doch nicht nur in Monarchien, sondern auch bei den Flächen- und selbst bei den Stadtrepubliken ist dieser Zusammenhang zu beobachten: So beharrten die Magistrate der deutschen Reichsstädte immer entschiedener darauf, daß die Außenpolitik ausschließlich in ihrer Kompetenz liege und im Gegensatz zu gewissen innerstädtischen Angelegenheiten

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[3] *Georg Schmidt*, Geschichte des Alten Reiches. Staat und Nation in der Frühen Neuzeit. 1495–1806, München 1999; *Heinz Schilling*, Das Alte Reich – ein teilmodernisiertes System als Ergebnis der partiellen Anpassung an die frühmoderne Staatsbildung der europäischen Nachbarn und Territorien, in: Imperium Romanum – irregulare corpus – teutscher Reichs-Staat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie, hg. v. *Matthias Schnettger*, Mainz 2002, S. 279–291.

[4] Darauf hat noch jüngst *Ernst Hinrichs* im Rahmen der neuesten Absolutismusdebatte mit Recht hingewiesen, und zwar in *Ronald Asch* und *Heinz Duchhardt* (Hg.), Der Absolutismus – ein Mythos. Strukturwandel monarchischer Herrschaft, Köln 1996 (= Münstersche Historische Forschungen, 9).

dem Mitbestimmungsrecht der Bürgerschaft entzogen sei, ein Hoheitsanspruch auf Außenpolitik, der in gewisser Weise als Kompensation für die stadtrepublikanisch geteilte Souveränität im Innern diente. In der föderalen niederländischen Unionsrepublik war es gerade die Außenpolitik, die anders als im Falle des deutschen Reiches und seinen Territorialstaaten nicht von den Teilrepubliken, sondern von der Generalität im Haag wahrgenommen wurde und dort nicht weniger entschieden zu den Arkana und unveräußerbaren Wesensmerkmalen des Staates, der „Eer en Hoogheit van de Staat“[5] gezählt wurde, als das in den gleichzeitigen absolutistischen Fürstenstaaten der Fall war. Zwar gab es im Haag keinen Außenminister und kein Auswärtiges Amt, wohl aber eine von den Generalstaaten aus deren Mitte berufene Kommission für auswärtige Angelegenheiten, die bezeichnenderweise „Secreet besogne“, also „Geheime Zusammenkunft“, genannt wurde, wobei dem Raadspensionaris von Holland, vor allem zu Zeiten Oldenbarnevelts, und später dem Griffier, also dem Kanzleileiter, der Generalstaaten eine Schlüsselrolle zukam.[6]

Die Tatsache, daß auch in der niederländischen Republik mit ihrem hohen Partizipationsgrad und einer breiten, durchaus bereits modernen Öffentlichkeit die auswärtigen Angelegenheiten als Arkana des Staates behandelt wurden, zeigen in wünschenswerter Deutlichkeit die Rolle, die in der uns interessierenden Beziehungsgeschichte zwischen Staat und Mächtesystem dem Geheimnis und der Geheimhaltung innerhalb eines begrenzten Kreises staatlicher Hoheitsträger zukam. Auch das war eine Konsequenz der Staatsbildung beziehungsweise ihres damals noch unsicheren und unvollständigen Standes. Denn innere wie äußere Staatsbildung erfolgte in entschiedener Konkurrenz zwischen den Staaten, und zwar im Prinzip selbst dann, wenn sie in einem formellen Allianzverhältnis miteinander standen. Solche Allianzen wurden ausschließlich an den Interessen der Einzelstaaten gemessen und waren daher ihrem Wesen nach befristet und dem Wandel unterworfen.

Methodische und begriffliche Konsequenzen für die Erforschung des frühmodernen Staatensystems unter dem Einfluß noch unvollständiger Staatsbildung. Unsere Leitthese „ohne Außenpolitik kein Staat“ beziehungsweise „ohne Staat keine Außenpolitik im modernen Sinn“ impliziert nicht die Behauptung,

[5] *Jan v. Heringa*, De Eer en Hoogheid van de Staat, Groningen 1961.
[6] *S.J. Fockema Andreae*, De Nederlandse Staat onder de Republiek, Amsterdam 1961, S. 111ff.

vor der und unabhängig von der politischen Organisationsform „Staat" habe es keinerlei Beziehungen zwischen politischen Verbänden gegeben und folglich sei eine Geschichte der Außenpolitik erst seit dem 16. Jahrhundert möglich. Im Gegenteil, diese bewußt auf analytische Trennschärfe bedachte Definition soll und kann auch zur Erforschung solcher Beziehungen in vor-staatlicher Zeit anregen. Damit bin ich bei den methodischen und begrifflichen Implikationen meiner Eingangsthese und bei den Konsequenzen, die sich daraus für die konkrete Erforschung und die Darstellung von Außenpolitik in der Frühgeschichte des europäischen Staatensystems ergeben. Den allgemeinen Teil abschließend, hierzu einige kurze Bemerkungen:

Die Monopolisierung der Außenpolitik als einen der Schlüsselvorgänge der frühmodernen Staatsbildung zu begreifen, kann und soll den Blick dafür schärfen, daß in vorstaatlicher Zeit und während der entscheidenden Jahrhunderte der europäischen Staatsbildung – also bis zu den ersten großen gesamteuropäischen zwischenstaatlichen Vertragswerken zu Mitte des 17. Jahrhunderts – „Außenpolitik" und die Beziehungsgeschichte zwischen politischen Verbänden allgemein in anderen Koordinatensystemen, anderen Formen und mittels anderer Trägergruppen erfolgte als in der Zeit, in denen die Staaten die einzigen legitimen Akteure waren und dementsprechend zum Strukturierungskern der Erforschung und Darstellung von Außenpolitik gemacht werden müssen[7]. Außenpolitik, Mächteeuropa, mit Einschränkungen auch bereits „internationales System" können legitime Themen der Mittelalter- und der älteren Frühneuzeitforschung sein – vorausgesetzt, die methodisch und analytischen Prämisse wird beachtet, daß in diesen Phasen Außenpolitik und das Agieren über die Grenzen eines gegebenen politischen Verbandes hinaus noch nicht, jedenfalls nicht ausschließlich, Sache des Staates oder gar einer höchsten Staatsgewalt waren. Heuristisch ist zudem die Perspektive zu eröffnen, daß sich der Form- und Funktionswandel, der im Laufe des 16. und 17. Jahrhunderts zu jenem „modernen" Zustand staatlicher Alleinzuständigkeit führte, in einem langfristigen, komplexen Prozeß der Wechselwirkung inner- und zwischenstaatlicher Wandlungen vollzog. Was eine mediävi-

[7] Wie das *Heinz Duchhardt* so eindrucksvoll in seinem mit dem 18. Jahrhundert befaßten vierten Band des im Erscheinen begriffenen Handbuchs der Geschichte der Internationalen Beziehungen soeben vorgeführt hat: Balance of Power und Pentarchie, 1700–1785, Paderborn 1997 (= Handbuch der Internationalen Beziehungen, Bd. 4).

stische Pilotstudie zum spätmittelalterlichen Reich herausgearbeitet hat, nämlich die methodische und heuristische Prämisse, daß „Außenpolitik im Spätmittelalter … Außenpolitik unter den Rahmenbedingungen werdender Staatlichkeit" war, gilt auch noch für ein gutes Jahrhundert der frühen Neuzeit.[8]

Daß auch das 16. und 17. Jahrhundert noch zu der alteuropäischen „world we have lost"[9] gehören, kann gerade für die Geschichte der internationalen Politik nicht nachdrücklich genug betont werden. Denn diese ist immer noch weit stärker als die Verfassungs-, Gesellschafts- oder gar die Kulturgeschichte von Begriffen und Denkbildern beherrscht, die an den Strukturen und Funktionsweisen des ausgebildeten Staatensystems des 19. Jahrhunderts ausgebildet wurden. Das hängt natürlich mit der Verachtung des Politischen, und schon gar des Außenpolitischen, durch eine ganze Historikergeneration zusammen, und zwar gerade in einem Moment, in dem es darauf ankam, die Kategorien, Methoden und Theorien unseres Faches, und zwar auch und gerade eines jeden Teilfaches, neu zu begründen. Für die Geschichte der internationalen Beziehungen ist das so gut wie nicht geschehen. „International politics" wurde zur Domäne der Politologen, die sich nicht auf den komplexen historischen Bedingungsrahmen einlassen wollen und das frühmoderne Mächteeuropa als eine Art Steinbruch benutzten, aus dem sie sich mit historisch beliebig einsetzbarem Material für ihre systematischen Theoriegebäude über Struktur und Funktion von „international politics" an sich versorgten.

Bei der frühmodernen „Staatengenese … handelte es sich um einen komplexen Vorgang der Herausbildung von politischen Einheiten … die auch um 1600 noch kaum als monolithische Blöcke beschrieben werden können, wie das der heute gebräuchliche Staatsbegriff impliziert. Für die Außenbeziehungen dieser Mächte bedeutet das, daß sie eben nicht Kugeln auf dem Billardtisch des internationalen Systems waren, wie es das Modell der realistischen Schule der internationalen Politik beschreibt."[10] Um 1600 lagen fast-, dreiviertel- oder halbvollendete

[8] *Sabine Wefers*, Versuch über die „Außenpolitik" des spätmittelalterlichen Reiches, in: Zeitschrift für Historische Forschung 22 (1995), S. 291–316.

[9] *Peter Laslett*, The world we have lost, London 1965.

[10] *Magnus Rüde*, "Make this Rhyne and Thame an ocean" – England und Kurpfalz im werdenden Mächteeuropa (1608–1632). Strukturen – Prozesse – kulturelle Ausdrucksformen, phil. Diss. 2004 Humboldt Universität Berlin (Druckfassung 2006), S. 22.

Billardkugeln auf dem internationalen Mächtetisch, aber auch amorphe Gebilde, die eher einer Qualle vergleichbar sind. – Und nun stelle man sich ein Billardspiel mit solchen unvollkommenen „Kugeln" vor, und die ganze Absurdität eines Vergleiches der frühmodernen Mächtebeziehungen mit einem Billardspiel ist offenbar. Erst als im Verlaufe des 18. Jahrhunderts voll ausgeformte staatliche Akteure die internationalen Beziehungen beherrschten, gibt es Sinn ihr Mit- und Gegeneinander an den Regeln des Billardspiels zu messen. Und nicht von ungefähr kam dieser Vergleich erst in dieser Epoche auf.

Im Unterschied zum Mediävisten hat der Frühneuzeithistoriker allerdings die akzeleriert wachsenden Kapazitäten und vor allem den sich immer entschiedener zur Geltung bringenden Herrschafts- und Monopolanspruch des Staates im Bereich der Außenpolitik und des internationalen Systems in Anschlag zu bringen. Er muß also sowohl mit nicht- beziehungsweise vorstaatlichen als auch bereits mit mehr oder weniger voll ausgebildeten staatlichen Akteuren, Funktionsweisen und Instrumenten rechnen.

2. *Ausgewählte Beispiele*

Die konkreten Konsequenzen des skizzierten Untersuchungsansatzes sollen zwei Mosaiksteinen veranschaulichen, die einerseits das alteuropäische Gemisch vorstaatlicher und staatlicher Phänomene, andererseits den Zusammenhang zwischen innerer und äußerer Staatsbildung zeigen – das eine aus der Zeit um 1600, das andere aus der Welt der Höfe und Allianzen ein rundes Jahrhundert später.

Konfessionalisierung und Herausbildung eines bipolaren Systems europäischer Mächte. Ausgangs des 16. Jahrhunderts kam es in Europa zur Überlagerung zweier Fundamentalprozesse – der Konfessionalisierung einerseits und der außen- und machtpolitischen Offensive, basierend auf dem Durchbruch der Monopolisierung von Außenpolitik durch die frühmodernen Staaten andererseits. Daraus ergab sich eine strukturell begründete Konstellation, in der über ein halbes Jahrhundert Glaubenskriege endemisch waren und im lateinischen Europa ein nachgerade als fundamentalistisch zu qualifizierender Typus von Politik betrieben wurde, und zwar gerade in der Außenpolitik.

Dieses Überlagerungsphänomen ist für die Geschichte der internationalen Beziehungen methodisch-theoretisch aufschlußreich. Denn zum einen zeigt es, daß deren Kategorien und Leitfaktoren historischem

Wandel unterworfen sind und demzufolge Untersuchungen nach Art der hochgelobten Darstellung von Paul Kennedy „Aufstieg und Fall der großen Mächte“[11], die universelle, historisch konstante Schlüsselfaktoren wie das Ökonomische ansetzen, für die älteren Epochen blaß und allgemein bleiben müssen. *Zum anderen* ist die Verschränkung von Konfessionalisierung und Machtstaatspolitik um 1600 ein besonders aussagekräftiges Beispiel für die gegenseitige Förderung innerer und äußerer Staats- und Machtstaatsbildung: Die Konfessionalisierung war ihrem Ursprung nach ein innerstaatlicher Monopolisierungsprozeß, der den Inhaber der Staatsgewalt mit dem Schlüsselmonopol über die Territorialkirche und die Heilsmittel auf „der Straße zur Transzendenz“ einschließlich eines „Magiemonopols“ versorgte.[12] Indem das Konfessionelle im zweiten Schritt dann auch außen- und mächtepolitisch von Bedeutung wurde, förderte das in der Regel zuvor durchgesetzte Kirchenmonopol nun entscheidend die Etablierung des Außen- und Machtstaatsmonopols.

Diese Zusammenhänge sind sehr komplex und können hier nur beispielhaft vorgeführt werden. Das soll anhand der kirchlichen Institutionen und des kirchlichen Personals als Agenten und Kommunikationsträger

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[11] *Paul Kennedy*, Aufstieg und Fall der Großmächte. Ökonomischer Wandel und militärischer Konflikt 1500 bis 2000, Frankfurt a. M. 1994 (amerikan. Original 1987).

[12] Ausführlich dazu folgende von mir verfaßte oder angeregte Arbeiten: *Heinz Schilling*, Die Konfessionalisierung und die Entstehung eines internationalen Systems in Europa, in: Reformation und Recht, Festschrift für Gottfried Seebaß, hg. v. *Irene Dingel, Volker Leppin, Christoph Strohm*, Gütersloh, 2002, S. 127–144; *Ders*., La confessionalisation et le système international, in: *Lucien Bély*, „L'Europe des traités de Westphalie. Esprit de la diplomatie et diplomatie de l'esprit“, Paris 2000, S. 411–428; *Ders*., Formung und Gestalt des Internationalen Systems in der werdenden Neuzeit – Phasen und bewegende Kräfte, in: Kontinuität und Wandel in der Staatenordnung der Neuzeit. Beiträge zur Geschichte des internationalen Systems, hg. von *Peter Krüger*, Marburg 1991, S. 19–45; *Ders*., Konfessionalisierung und Formierung eines internationalen Systems während der frühen Neuzeit, in: Die Reformation in Deutschland und Europa: Interpretationen und Debatten, hg. von *Hans Guggisberg* und *Gottfried Krodel*, Gütersloh 1993, S. 597–613; *Ders*., Die konfessionellen Glaubenskriege und die Formierung des frühmodernen Europa, in: *Peter Herrmann* (Hg.), Glaubenskriege in Vergangenheit und Gegenwart, Göttingen; 1996, S. 123–137, = Veröffentlichungen der Joachim-Jungius-Gesellschaft E.V. der Wissenschaften Hamburg 83; *Holger Gräf*, Konfessionionalisierung und internationales System. Die Außenpolitik Hessen-Kassels im konfessionellen Zeitalter, Darmstadt und Marburg, 1993; *Ders*., Bündnissysteme der Neuzeit. Strukturelle Bedingungen der Außenpolitik bis zur europäischen Pentarchie, Historicum, 1996/97, S. 22–26; *Uwe Sibeth*, Gesandter einer aufständischen Macht. Die ersten Jahre der Mission von Dr. Pieter Cornelisz Brederode im Reich (1602–1609), in: Zeitschrift für Historische Forschungen 30 (2003), S. 19–52; *Heike Scherneck*, Außenpolitik, Konfession und nationale Identitätsbildung in der Pamphletistik des elisabethanischen England, in: Nationales Bewußtsein und kollektive Identität, hg. v. *Helmut Berding*, Frankfurt, 1994, S. 282–300.

im internationalen System geschehen: Da der frühneuzeitliche Staat vor 1650 die Außenpolitik noch nicht monopolisiert hatte und sein diplomatischer Apparat noch unvollständig ausgebildet war, fielen gleichsam von selbst nichtstaatlichen Agenten und Kommunikationskanälen wichtige Aufgaben in der Außenpolitik, wie Bereitstellung von Informationen, Übermittlung von Botschaften und Anbahnung von Kontakten, zu. Das gilt für Kaufleute, Ständevertreter, einzelne Städte und eben auch für Kirchenmänner und kirchliche Institutionen. Das gilt im übrigen nicht nur für Europa, sondern auch für die Kontakte der europäischen Staaten mit Völkern und Ländern in Übersee, wo häufig Missionare die ersten „Botschafter" waren. Diese Seite unseres Themas bleibt aber im folgenden ausgeblendet. Im Falle der katholischen Konfessionskirchen ist die außenpolitische Bedeutung der Nuntiaturen offensichtlich. Hinzu kommt das weitgespannte Netz der Orden und Kongregationen – etwa der außenpolitisch besonders aktiven Jesuiten, die in der Geschichte der internationalen Beziehungen jedoch in der Regel kaum Beachtung finden. Vor allem aber werden die diplomatischen und außenpolitischen Aktivitäten dieser kirchlichen Institutionen meist fälschlicherweise als quasi-staatliche Strukturen des Papsttums dem Kirchenstaat als europäischer Macht zugerechnet. Wie verkürzend eine solche Perspektive ist, wird spätestens klar, wenn man die außenpolitische Rolle fürstlicher Beichtväter untersucht, die zumindest an den Habsburger Höfen alles andere als Agenten des Kirchenstaates waren.

Wie die jüngsten Studien des Warschauer Historiker Hieronim Grala eindrucksvoll belegen, war das kirchliche Agentennetz mit seinen Knotenpunkten in Polen, Wien, München und Rom insbesondere an den frühen diplomatischen Kontakten zwischen Moskau und katholischen Mächten Mitteleuropas, unter anderem Bayern, führend beteiligt.[13] Ein dem Katholizismus vergleichbares Kommunikationsnetz besaßen auf protestantischer Seite allenfalls die Calvinisten, konkret getragen von Prädikanten, häufig als Wanderprädikanten tätig, Ältesten, Diakonen, Presbyterien, Synoden oder ganzen Kirchenverbänden, wie vor allem dem Netz der im konfessionellen Zeitalter besonders aktiven niederländischen und französischen Fremdengemeinden. Wie sehr gerade in diesem calvinistischen Umfeld kirchliche und staatliche Modelle „internationa-

[13] *Hieronim Grala*, Zu Werk und Person Albert Schlichtings, in: *Hermann Beyer-Thoma* (Hg.), Bayern und Osteuropa, Wiesbaden 2000, S. 132–159, hier S. 142ff, Mission und Korrespondenz des polnischen Abtes Cyrus.

len“ Handelns zusammenflossen, veranschaulicht ein kleines Detail aus der Geschichte des niederländischen und westdeutschen Calvinismus. Philipp Marnix plante Ende der 1560er Jahre eine regelmäßige Korrespondenz zwischen den einzelnen niederländischen Flüchtlingskirchen und zwischen diesen und Wilhelm von Oranien, dem politischen Führer im Kampf gegen Spanien. Es ging um Nachrichtenaustausch und um Berichte darüber, „wat daer sekerlijcx omgaet“, also was die calvinistischen Kirchen an ihrem jeweiligen Ort oder in der jeweiligen Region an politisch Relevantem in Erfahrung bringen konnten. Angesichts der machtpolitischen Offensive katholischer Staaten zu Ende des 16. Jahrhunderts griffen der niederländische Gesandte Brederode und seine Gesprächspartner an den Wetterauer Fürstenhöfen den alten Gedanken wieder auf und errichteten ein „Korrespondenzwerk“, das Politik und Religion gleichermaßen berücksichtigte, um dadurch gemeinsames, abgestimmtes Handeln auf nationaler wie internationaler Bühne zu ermöglichen.[14]

In den letzten Jahren des 16. Jahrhunderts waren es vor allem die Agenten und Institutionen der Konfessionskirchen, die auf innen- wie außenpolitische Formierung drängten und die defensive oder offensive Sicherung der jeweiligen Machtposition in Europa anmahnten. Das gilt für das prä- oder protostaatliche Netz der katholischen ebenso wie für dasjenige der protestantischen Konfessionskirchen. Besonders aktiv auf Seiten der Protestanten war wiederum die Diaspora der Glaubensflüchtlinge – niederländische, wallonische, französische und italienische Calvinisten, aber auch deutsche Reformierte oder Gnesiolutheraner –, die sich von England über die Niederlande und Deutschland nach Skandinavien und Ostmitteleuropa quer über den Kontinent erstreckte. Wie der glühende Glaubenseifer der jungen gegenreformatorischen Orden samt der ihnen angegliederten Laienorganisationen wie der Marianischen Kongregationen der Jesuiten auf katholischer Seite, hat die Entschiedenheit der calvinistischen Exulanten die ausgangs des 16. Jahrhunderts im internationalen System aufziehende politische

[14] *Sibeth*, (wie Anm. 11); *Rolf Glawischnig*, Niederlande, Calvinismus und Reichsgrafen-stand, Heidelberg 1969; *Gerhard Menk*, „‘Qui trop embrasse, peu estreind’. Politik und Persönlichkeit Graf Johanns VI. von Nassau-Dillenburg 1580–1606“, Jahrbuch für westdeutsche Landesgeschichte, 7 (1981), S. 119–157; Ders., „Landgraf Wilhelm IV. von Hessen-Kassel, Franz Hotmann und die hessisch-französischen Beziehungen vor und nach der Bartholomäusnacht“, Zeitschrift für hessische Geschichte und Landeskunde, 88 (1980), S. 55–82; *Georg Schmidt*, Der Wetterauer Grafenverein, Marburg 1989.

und militärische Konfrontation nicht unwesentlich gefördert. Die calvinistische Diaspore von England über Norddeutschland bis hinauf nach Skandinavien gehörte stets zu den entschiedensten Verfechtern militärischer Aktionen gegen Spanien in Europa und Übersee. Seit den 1620er Jahren bliesen die böhmischen und pfälzischen Exulanten in dasselbe Horn, und der Exilhof des Pfälzer Winterkönigs in Den Haag wurde zum Sammelbecken des internationalen Generalstabs des europäischen Calvinismus.

Die Welt der Höfe und Allianzen – Standeserhebungen als Teil alteuropäischer Außen- und Machtpolitik. Wie die Epoche des Konfessionalismus, so entwickelte ein Jahrhundert später auch das Zeitalter der Höfe und Allianzen eigene Regeln in der Außen- und Mächtepolitik, die sich einer schematischen Anwendung quasi universalistischer Kategorien wie „Ökonomie" oder „rationale Staatsinteressen" entziehen. Allgemein ist Ernst Hinrichs zuzustimmen, der noch unlängst die überragende Bedeutung der Außenpolitik für die Fürstenstaaten dieses Zeitalters betont hat.[15] Es war in der Tat der Absolutismus, der die Monopolisierung der Außenpolitik durch den monarchischen Träger der höchsten Staatsgewalt vollendete und die internationale Machtkompetenz geradezu zum Inbegriff auch der inneren Souveränität machte.

Doch nicht darum, sondern um die spezifisch zeremonielle und rituelle Qualität des Politischen um 1700 soll es im folgenden gehen, und zwar am Beispiel der Selbstkrönung Kurfürst Friedrichs III. von Brandenburg zum König in Preußen am 18. Januar 1701.[16] Die in der deutschen Geschichte, vor allem auch in der brandenburgischen Landesgeschichte anzutreffende Herleitung dieses Ereignisses aus einem „irreparablen Minderwertigkeitskomplex" Friedrichs III./I. und der Hohenzollern im allgemeinen ist im europäischen Vergleich – speziell in der Perspektive unserer Frage nach dem Zusammenspiel innen- und außenpolitischer Prozesse und nach dem zeitspezifischen Ausdruck von Außenpolitik – wenig überzeugend. Denn vor dem Hintergrund jener sensiblen Hierarchie von Staaten und Dynastien, die nach der inneren und äußeren Konsolidierung des frühmodernen Staateneuropa ausgangs

[15] Vgl. oben Anm. 3.

[16] Zum folgenden und zu den Einzelbelegen vgl. *Heinz Schilling*, Europa um 1700. Eine Welt der Höfe und Allianzen und eine Hierarchie der Dynastien, in: Preußen 1701. Eine europäische Geschichte, Essayband zur Ausstellung Preußen 1701, hg. v. *Deutschen Historischen Museum* und *Stiftung Preußische Schlösser und Gärten Berlin-Brandenburg*, Berlin 2001, S. 12–30.

des 17. Jahrhunderts aufgezogen war, erscheinen die Ambitionen des brandenburgischen Kurfürsten durchaus funktional und sachgerecht. In der barocken Welt der Höfe und Allianzen war der Rang des Staatsoberhauptes fast ebenso wichtig wie die Schlagkraft seiner Armeen. Das mußte in erster Linie die durch und durch respektable, vor allem aber finanzstarke Republik der Vereinigten Niederlande erleben. Nicht nur daß sie auf dem diplomatischen Parkett durchgehend vor den Fürstenhäusern zurücktreten mußte, die ihr finanziell und viele von ihnen auch machtpolitisch kaum ebenbürtig waren. Sie mußte sich über die ganz ungewöhnliche Bescheidenheit und Sparsamkeit mancher ihrer Bürger-Diplomaten auch noch den Spott gefallen lassen – etwa als der hochadlige Vertreter einer Fürstenmacht auf dem Weg zu einem Diplomatenkongreß seine niederländischen Verhandlungspartner beobachtet, wie sie ihr Boot verließen, um am Ufer sparsam ein frugales Mahl zu sich zu nehmen. Eine solche Art bürgerlicher Sparsamkeit konnte der an Repräsentation und Galadiners gewöhnte Adelsdiplomat nur als ehrenrührig für die von jenen Diplomaten vertretene Republik begreifen.

Andere Republiken hatten es da einfacher. Vor allem Venedig konnte bei den barocken Zeremonien und höfischen Etiketten mithalten, weil es den Anspruch auf das von den Türken eroberte Zypern stets aufrechterhielt und daher mit Königskrone und Königstitel auftreten konnte. Die eigentliche Konkurrenz fand aber im Kreis der Fürsten und Dynastien statt. Das war ein altes Spiel. Man denke nur an die 1358/59 erschwindelte Erzherzogwürde der Habsburger zur Kompensation des 1356 in der Goldenen Bulle verfehlten Aufstiegs in den Kreis der Kurfürsten als fortan höchsten Adelsrang des Reiches oder an die Erhebung Cosimos I. Medici zum Großherzog der Toskana durch Papst Pius V. 1569 und die Savoyardische Königsdeklaration von 1632, mit der Vittorio Amadeo I., gestützt auf alte Familienverbindungen, zur 1489 ausgestorbenen Lusignandynastie Zyperns seinem Herzoghaus royalen Status zu gewinnen trachtete.

In den Jahrzehnten um 1700 hatten solche für Alteuropa allgemein charakteristischen Fragen von Rang und Reputation eine neue, frühmoderne Qualität erhalten. Es hatte sich eine eng verflochtene, internationale Adels- und Hofkultur verdichtet, die eine politische Ästhetik von Wappen, Titeln und Anreden – Exzellenz, Durchlaucht, Hoheit, Königliche oder Seine Hoheit, Majestät –, von Prozessionen, Zeremonien, Porträts und Bauten, ja von künstlerischen Darstellung jeder Art bis hin zu Münzen herausbildete, die jeder Gebildete, Politiker, Jurist

oder Diplomat, „lesen" konnte und die daher aufs Genaueste die Position und Rangstellung eines jeden Herrschers „veröffentlichte". Das war ohne Zweifel Ausdruck des Höfischen und jener auf Repräsentation, Sinnlichkeit und Rang ausgerichteten Kultur, die wir Barock nennen. Wichtiger noch waren indes die strukturgeschichtlichen Wandlungen und Formierungen der frühmodernen Staatsbildung und Gesellschaftsformierung, die das gesellschaftliche Leben und die Politik, aber auch die Religion und die Kultur auf den Inhaber der höchsten Staatsgewalt konzentriert hatten, in der Regel also auf den Fürsten und die Dynastie. Ähnliches galt außen- und mächtepolitisch. Tragfähige politische Lösungen, und zwar auch und gerade in der Militär- und Machtfrage, waren nur zu erzielen, wenn im Staatszeremoniell und in der Diplomatie jeder Fürst und jeder Staat sicher sein konnte, den ihm rangmäßig zustehenden Platz zu erhalten.

Bereits der erste große Friedenskongreß in Münster und Osnabrück hatte gezeigt, daß Fehler im Zeremoniell und bei der Rang- oder Ehrenbekundung zum Scheitern der Verhandlungen führen konnten. Und da derartige Diplomatentreffen bald zur Regel wurden, nahm das Gewicht solcher Protokollfragen ständig zu. Eine europäische Öffentlichkeit war entstanden, die jeden Staat, jeden Fürsten und jede Dynastie genauestens einordnete und jede Veränderung sofort registrierte – Aufstieg ebenso wie Abstieg.

Was sich im 15. Jahrhundert zunächst in Italien herausgebildet hatte, war um 1700 längst ein gesamteuropäisches Phänomen, nämlich „the intensely interactive nature of (a) notably fluid … political system and the hypersensitivity to any alteration" sowie eine „European dynastic responsiveness … to any hierarchical shift amongst its constituent members".[17] Die parallel dazu entstandene Gleichgewichtsdoktrin machte Rang und Reputation zugleich zu Indikatoren des machtpolitischen Gewichts innerhalb der europäischen Staatengesellschaft. Sie waren Teil des diplomatischen Spiels von Allianzen und Gegen-Allianzen, die eingegangen wurden, um das Gewicht des einzelnen Staates beziehungsweise eines Fürstenhauses zu erhöhen und um das Gleichgewicht in Europa im eigenen Interesse zu stabilisieren oder zu verändern.

[17] *Robert Oresko*, The House of Savoy in search for a Royal Crown in the 17th century, in: *Robert Oresko/G.C. Gibbs/H.M. Scott* (Hg.), Royal and republican Sovereignty in Early Modern Europe, Cambridge 1997, S. 272–350, hier 302, 348.

Zur „Aufholjagd“ sah sich fast jeder genötigt, der nicht bereits ganz oben stand, also traditionsbeladene Königsdynastien wie den Bourbonen, Stuarts oder Habsburgern angehörte. Allein im Reich zählen die Standeserhebungen nach Dutzenden, angefangen bei den Reichsgrafen, die alles daran setzten gefürstet zu werden.Im europäischen Rahmen waren es die Oranier, die im letzten Viertel des 17. Jahrhunderts die „Aufholjagd“ erfolgreich aufnahmen und damit zugleich, wie bereits erwähnt, ein allianzpolitisches Signal für die Koalition zwischen England und Holland setzten. Die Oranier waren eine Dynastie von zweifelsfrei hochadliger Qualität, die mit der Eheverbindung zwischen Wilhelm II. und der Prinzess Royal von England Maria Stuart sogar bereits einmal den Purpur erhascht hatten. Gleichwohl waren sie als Statthalter der niederländischen Republik den Königshäusern nachgeordnet. Sie hatten zudem einen jähen Sturz erlebt, als nach dem Münsteraner Friedensschluß mit Spanien die Partei des holländischen Handelsbürgertums unter Leitung Jan de Witts das Statthalteramt kurzerhand abschaffte. Der 1650 geborene Wilhelm III. von Oranien, Sohn eben jener royalen Stuartprinzessin, hatte an einem kaltgestellten, ja funktionslosen Hof eine Kindheit erleben müssen, die von unerfüllbarem Ehrgeiz und vergeblichem Verlangen nach Ruhm gekennzeichnet war. 1672 nutzte er die durch den Einfall Ludwigs XIV. in die Niederlande hervorgerufene innenpolitische Krise, um sich und seine Dynastie wieder in das Statthalteramt zu bringen. 1688 griff er dann entschlossen nach der englischen Krone.

Für die Hierarchie der Fürsten und Dynastien war das oranische Königtum eine Verschiebung und Herausforderung, die man sehr genau registrierte, zuerst und vor allem am Berliner Kurfürstenhof der seit langem mit den Oraniern verwandten Hohenzollern. So spektakulär sich der Königsberger Krönungsakt 1701 auch darstellt, singulär, extravagant oder gar pathologisch war er ganz und gar nicht. Er war eine von vielen Standeserhöhungen und Veränderungen im dynastischen Geflecht des 17. und 18. Jahrhunderts. Er war Reaktion auf vorangegangene Verschiebungen in der deutschen und europäischen Adelsgesellschaft, wie er umgekehrt das Konkurrenzsystem der Staaten und Dynastien zur Reaktion provozierte. Die Hohenzollernkrönung von 1701 war der wichtigste Stachel für Victor Emanuel II. von Savoyen, des angesichts seiner Verwandtschaft mit den sächsischen Wettinern über die deutschen Dinge bestens unterrichteten, auch seinem Haus endlich die lang ersehnte Königskrone völkerrechtlich verbindlich zu sichern. Die preußische „Aufholjagd“ fand südlich der Alpen eine Fortsetzung

und die Krönung des Savoyarden 1713 in Palermo eine Antwort auf das Geschehen ein Dutzend Jahre zuvor im nur geographisch fernen Königsberg – „ein weiteres Beispiel für die sensible Reaktion des europäischen dynastischen Netzes auf jede Veränderung in der Hierarchie seiner hervorragenden Mitglieder".[18]

Mächtepolitisch verwies die Hohenzollernkrone die „junge" Monarchie an die Seite der „alten" Monarchie des Habsburger Kaisertums. Denn nur so waren für sie Stabilität und Dauer zu gewinnen. Und die Zustimmung des Kaisers mußte schließlich noch durch die völkerrechtliche Anerkennung ergänzt werden, die 1713 im Utrechter Frieden erreicht wurde, auch dies also Ergebnis allianzpolitischen Kalküls, nicht aber eines borussischen Geniestreiches.

3. *Schlußbemerkungen*

Diese exemplarischen Betrachtungen aus der frühneuzeitlichen Geschichte des Staates und des internationalen Mächtesystems lenken abschließend nochmals auf die systematisch-theoretischen Anfangsüberlegungen zurück: Wenn heute der Politologe Ekkehart Krippendorf unter der Devise „Mitmachen statt Außenpolitik" beziehungsweise „Außenpolitik von unten" das Ende der Außenpolitik verkündet und nur noch „Innenpolitik" für legitim erklärt, die Staaten und Staatsgrenzen nicht mehr kennt, so ist das die gleichsam finale Bestätigung der dargelegten inneren Verschränkung zwischen Staats- und Machtstaatsbildung. Denn will man das nicht nur auf eine „von historischer Tiefenschärfe oder geschichtlichem Verständnis wenig getrübte Sicht der Dinge" zurückführen, dann läßt sich einem solchen Urteil historischer und logischer Sinn erst vor dem Hintergrund jenes grundsätzlichen Wandels abgewinnen, der in den letzten Jahrzehnten in Europa den Bruch mit der in der werdenden Neuzeit aufgestiegenen Welt der klassischen Staaten brachte.

Qualität und Selbstverständnis des „Staates" haben sich im Zuge dieses Wandels dramatisch verändert und werden sich auch in den nächsten Jahrzehnten weiter verändern. Vor allem aber ist an die Stelle grundsätzlicher, struktur- wie entwicklungsgeschichtlich bedingter Konkurrenz der Staaten deren Kooperation getreten. Optimisten werden

[18] Oresko, a.a.O., S. 349.

das einer inzwischen gewachsenen Einsicht der Menschheit zuschreiben wollen. Mit der Geschichte vertraute Realisten werden hinter beidem, der frühen kriegerischen Konkurrenz ebenso wie hinter der heutigen Kooperationsbereitschaft, eher historische Zwänge vermuten – nämlich den Zwang zur agonalen Selbstbehauptung in der Phase des frühmodernen Aufbruchs der europäischen Staatenwelt einerseits und den Zwang zur Friedfertigkeit unter dem weiterbestehenden Damoklesschwert atomarer Vernichtung und im Angesicht sich rasant entwickelnder Globalität der Wirtschaft andererseits. Jedenfalls konnten und können Außenpolitik und internationales System auf der einen wie auf der anderen Stufe ihre jeweilige Gestalt nur in enger Korrelation zu den Strukturen und Funktionsweisen des Staates annehmen – nämlich anfangs in Wechselwirkung zu dessen frühmodernen und heute zu dessen nach-klassischen oder post-modernen Formen.

FAITH IN EMPIRE: RELIGIOUS SOURCES OF LEGITIMACY FOR EXPANSIONIST EARLY-MODERN STATES

Luke Clossey

> To this, and such like resemblances between the *Papacy*, and the Kingdome of *Fairies*, may be added this, that as the *Fairies* have no existence, but in the Fancies of ignorant people, rising from the Traditions of old Wives, or Old Poets: so the Spirituall Power of the *Pope* (without the bounds of his own Civill Dominion) consisteth onely in the Fear that Seduced people stand in, of their Excommunication [...]. But who knows that this Spirit of Rome, now gone out, and walking by Missions through the dry places of China, Japan, and the Indies, that yeeld him little fruit, may not return, or rather an Assembly of Spirits worse than he, enter, and inhabite this clean swept house, and make the End thereof worse than the Beginning? For it is not the Romane Clergy onely, that pretends the Kingdome of God to be of this World, and thereby to have a Power therein, distinct from that of the Civill State.
>
> —Thomas Hobbes, *Leviathan*[1]

In the finale of the *Leviathan* Thomas Hobbes likens the spiritual power of the papacy to imaginary fairies, for both spring from fearful popular ignorance. Although the papal state may hold "Civill Dominion," its spiritual jurisdiction draws nourishment from superstition in Europe and from missions around the world.

Modern scholars have outlined an evolution of papal authority that is more precise, and less hostile, but ultimately not dissimilar to Hobbes's. Earlier scholarship traces a shift from a universal to a secular papacy. Walter Ullmann describes the fifteenth-century shift in terms of a inexorable, almost suicidal decline, from an institution with a universal mission to a "succession of individuals who were no more than wealthy Italian princelings" wielding an authority that had become

Many thanks to *Doktorschwester* Carina Johnson for her suggestions.

[1] Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson (Harmondsworth: Penguin, 1951), 459 [Part IV, Chapter 47].

merely political.[2] Francis Oakley, too, stresses the opposition between the theory of ultimate power in a universal church and the reality of limited authority.[3] This reflects his main source, Peter Partner's data attesting to the papacy's declining income and its increasing dependence on the papal states.[4]

Paolo Prodi revises this vision by regarding this retreat not "as an alternative to the exercise of universalism, but as an attempt to make this survive in the new historical circumstances of the era of principalities and monarchies." Nor was the late-fifteenth-century papacy backed into a corner by "increasingly powerful princes desirous of placing themselves outside Church influence," but rather "the Renaissance popes chose to abdicate their traditional defence of Church liberty" in order to secure the triumph of the ideology of absolute monarchy over the conciliar movement.[5]

The apparent retraction allowed the papacy to become global. Thomas Brady writes of a "new universalism, more religious and spiritual and less political than the theory of direct papal monarchy. Partly this arose from the fact that the Roman church became, just at the moment of its greatest losses in Europe, a global institution." The late medieval shocks "eased the appropriation of legitimacy by the kings and princes" while making the papacy "locally more secular and universally more spiritual."[6] H. Outram Evennett makes the latter clear by commenting that "If the Council of Trent could not bring itself officially to echo the definition of Florence and hail the Pope in a decree as Rector Universalis Ecclesiae, the counter-reformation papacy had no hesitation in acting as if it had done so."[7]

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[2] Walter Ullmann, *A Short History of the Papacy in the Middle Ages* (London: Routledge, 1972), 331–32.

[3] Francis Oakley, *The Western Church in the Later Middle Ages* (Ithaca: Cornell UP, 1979): 73.

[4] Peter Partner, *The Papal State under Martin V* (London: British School at Rome, 1958), 153–54; ibid., "The Budget of the Roman Church in the Renaissance Period," in *Italian Renaissance Studies*, ed. E. F. Jacob (London: Faber and Faber, 1960), 256–74.

[5] Paolo Prodi, *The Papal Prince: One Body and Two Souls: The Papal Monarchy in Early Modern Europe*, trans. Susan Haskins (Cambridge: Cambridge UP, 1987), 6–7, 9–10.

[6] Thomas A. Brady, Jr., "The Rise of Merchant Empires, 1400–1700: A European Counterpart," in *The Political Economy of Merchant Empires: State Power and World Trade 1350–1750*, ed. James D. Tracy (New York: Cambridge UP, 1991), 129, 130.

[7] H. Outram Evennett, *The Spirit of the Counter-Reformation* (Cambridge: Cambridge UP, 1968), 93.

Indeed, the papacy's universal jurisdiction had long been commonly but not universally recognized. At the Council of Constance (1414–18) in the paper *Opinio Hostiensis* Paul Vladimiri offered a comprehensive yet representative justification of it. On the one side he recalled Boniface VIII's *Unam Sanctam* assertion that salvation depends on recognizing every human as subject to the pope; Vladimiri based universal spiritual jurisdiction on this fundamental responsibility of the pope for all mankind.[8] The other evidence he presented argues from Aristotle's *Politics*, which maintains that a single world ruler is most beneficial for all. Since the emperor has no spiritual jurisdiction, Vladimiri reasons, the pope becomes the only candidate for sole world ruler, in both spiritual and temporal matters.[9] Papal ambitions in theory remained grandiose. On March 20, 1514, the Portuguese ambassador Diego Pacheco made an address to Leo that avoided qualifying his powers as strictly spiritual: "Thou shalt rule from seas to sea, and from the Tiber unto the ends of the earth."[10]

As Hobbes makes clear in his last sentence, other states followed the papacy in claiming a spiritual authority in this world, distinct from civil dominion. This is indeed not a papal *Sonderweg*, for several early-modern states emulated the papacy in evoking universal spiritual jurisdiction. Prodi emphasizes, following Evennett, the similarity between new structures and new centralizing tendencies both in the papacy and in other modern "new monarchy" states. With precise administrative means these all pursued ambitious objectives, and Evennett is careful to include among these, on the papal side, the "extension of mission work in heathen lands."[11]

This essay looks to how early-modern states used the ideal of a universal mission to claim spiritual powers beyond the bound of civil authority, and sometimes then used that claim of extramural spiritual powers to bolster assertions of temporal dominion. Its conclusion will evaluate the world historians' suggestions that appeals to universal mission were characteristic of early-modern empires throughout Eurasia.

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[8] Vladimiri, "Opinio Hostiensis," in *Paulus Vladimiri and his Doctrine Concerning International Law and Politics*, ed. Stanislaus F. Belch (The Hague: Mouton, 1965), 2:874.

[9] James Muldoon, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250–1550* (Philadelphia: University of Philadelphia Press, 1979), 116.

[10] Francis M. Rogers, *The Quest for Eastern Christians: Travels and Rumor in the Age of Discovery* (Minneapolis: University of Minnesota Press, 1962), 130.

[11] Prodi; Evennett, 92–94.

Ideas of World Monarchy

Aristotle's contention that a world monarchy would bring world peace was renewed by Dante, and the hope for an end to war continued to justify conquest.[12] Ferdinand the Catholic entertained similar ideas,[13] and his contemporary Manuel I of Portugal (1495–1521) became fixated, under Joachimite influence, on winning Jerusalem as the pinnacle of Portuguese expansion, a victory which would justify his taking the crown of Universal Emperor.[14]

In the next generation several key figures around Charles V promoted their sovereign as universal monarch. Imperial Chancellor Mercurino de Gattinara began his campaign in 1520, almost immediately upon Charles's becoming Holy Roman Emperor.[15] The imperial title justified world dominion, and Charles was "ordained by God, foretold by the prophets, preached by the apostles, and confirmed through the words and deeds of Christ our savior." Charles could easily achieve overlordship of the world, the only possible chance for peace.[16] Perhaps influenced by Gattinara,[17] the imperial secretary Alfonso de Valdés also took up the idea. His 1528 treatise *Diálogo de Mercurio y Carón* tells of a king's just governance inspiring the world's peoples, Christian and Muslim alike, to eagerly submit to his rule.[18] The third main influence came from Charles' court preacher and historiographer, the Franciscan Antonio de Guevara (1490?–1544). His *Libro aureo d'Marco Aurelio eperador* (or *Reloj de principes*, 1528) suggested how the world needed a single emperor just as an army needs a single captain, and Charles shared with Guevara this hope for a *pax cristiana*.[19] Events encouraged these thoughts: Cortez justified his conquest by appealing to universal

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[12] *De Monarchia* i. 8, 10, 11.

[13] J. Specker, "Missionarische Motive im Entdeckungszeitalter," in *Mission, Präsenz, Verkündigungs, Bekehrung?*, ed. Horst Rzepkowski (St. Augustin: Steyler, 1974), 82.

[14] Sanjay Subrahmanyam, *The Portuguese Empire in Asia, 1550–1700: A Political and Economic History* (London: Longman, 1993), 50.

[15] Carina Lee Johnson, "Negotiating the Exotic: Aztec and Ottoman Culture in Habsburg Europe, 1500–1590," Ph.D. diss., University of California, Berkeley, 2000.

[16] C. Bornate, ed., "Histoira vite et gestorum per dominum magnum cancellarium (Mercurino Arborio dI Gattinara)," in *Miscellanea di storia italian*, 3. Ser., 17 (1915): 406.

[17] José Antonio Maravall, "La visión utópica del imperio de Carlos V en la España de su épocha," in *Carlos V. Homenaje de la Universidad de Granada* (Granada: 1958): 62.

[18] See Johnson, 220.

[19] Specker, 82; Maravall, 53, 58, 60.

empire; in 1527 troops under Charles sacked papal Rome.[20] Especially attractive was the specific realization that a universal monarchy would bring a united front against the Turk.

No future Iberian king pursued the same goal with anything like such intensity, though later the Jesuit Antonio Vieira (1608–97) envisioned Portugal as the fifth kingdom, a world empire centered on Lisbon.[21] The idea also continued to follow the Spanish monarchy: Campanella's 1598 *Monarchia di Spagna* argued for the integration of the peoples of the new world in the body of a universal Spanish monarchy, not as "mere objects of exploitation and dominion, but as active forces equipped with their own autonomous function."[22]

The position that ultimately endured was Francisco de Vitoria's: Neither pope nor emperor enjoyed universal jurisdiction. As theology professor at the Salamanca, Vitoria (ca. 1486–1546) already in the 1530s lectured on a position that would be published in *De Indiis* in 1557. Against papal claims to universal jurisdiction, Vitoria begins by using Innocent III's assertion of the sovereignty of the king of France in temporal matters to show that the pope does not possess universal temporal jurisdiction. In fact, the papacy does not even command universal spiritual jurisdiction, for in clear opposition to Innocent IV's claims, Vitoria limits papal spiritual jurisdiction to Christians. The pope may not excommunicate a non-believer, nor may he hold non-believers to Christian norms of marriage. Against imperial claims to universal jurisdiction, Vitoria appeals to Aquinas to argue against the need for a single world ruler, and thus against the justice of a Spanish conquest of America justified by the emperor's universal jurisdiction. Instead, natural law gave all men *dominium*, the right to self-governance.[23]

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[20] See Johnson; Viktor Frankl, "Die Begriff des mexikanischen Kaisertums und der Weltmonarchie in den *Cartas de Relación* des Hernán Cortés," *Saeculum* 13 (1962): 4–6.

[21] Johannes Beckmann, "Utopien als missionarische Stoßkraft," in *Vermittlung zwischenkirchlicher Gemeinschaft: 50 Jahre Missionsgesellschaft Immensee*, ed. Jakob Baumgartner (Schöneck-Beckenried: Neue Zeitschrift fur Missionswissenschaft, 1971), 392.

[22] "Meri oggetti di sfruttamento e di dominio, ma come forze attive e dotate di una propria autonoma funzione." Rosario Romeo, "Le scoperte americane nella coscienza italiana del cinquecento," *Revista Storica Italiana* 65 (1953): 363–64.

[23] Franciscus de Vitoria, *De Indis et de iure belli relectiones*, ed. Ernest Nys (New York: Oceana, 1964), 234–43.

Many of such claims to universal lordship dovetailed with jurisdictional issues of religious identity. Charles V's experts in Roman law extrapolated from the imperial relation to the Jews an extraordinary relationship between emperor and the world's infidels. Distant infidels were a useful tool for the lawyers. Making the infidels juridically subject to imperial courts, even if they remained geographically far removed, negated any need for prior papal authorization to prosecute any infidels for secular transgressions.[24] The emperor's relationship to distant people thus strengthened his authority vis-à-vis the papacy. Perhaps this motivation lurks behind the imperial co-opting of universal mission. In his May 1, 1543 address to the rulers of East Asia, Charles V informs them of his responsibility to treat them as sons of God and brother of the emperor.[25] This general line of argument had already developed sufficiently even by the time of Constance that Vladimir took care to counter it explicitly: The emperor had no universal jurisdiction, and so he had no mission ordained by God to all mankind.[26]

The idea of universal empire proved to be more stable than its association with the Holy Roman Empire. The German Franciscan Nicolaus Ferber de Herborn (ca. 1485–1535) feared that just as God took the kingship and the priesthood from the Jews for repudiating Christ, so would He take the imperial dignity from the Germans, for their repudiation of the faith, and give it to the American Indians.[27] Jesuits seeking mission patronage could play on the same fears. Peter Canisius wrote to the duke of Bavaria, advising that God "rejects those first called to His Supper for their thanklessness, and appoints strangers to their places." The Jesuit expressed his fears for "our Germany," which

> is rich in leaves but empty of Gospel fruit, which for so many years has been contending about faith and daily becomes more sterile in works, which has had such varied experience of the deceit and mischief of the

[24] Muldoon, 27–28.

[25] Johannes Beckmann, *China im Blickfeld der mexikanischen Bettelorden im 16. Jahrhundert* (Schoneck/Beckenried: Neue Zeitschrift für Missionswissenschaft, 1964), 18.

[26] Muldoon, 116–17.

[27] "Epistome convertendi gentes indiarum ad fidem christianam adeoque ad ecclesiam," in *Annales Minorum seu trium ordinum a S. Francisco institutorum*, ed. Luke Wadding, 3d ed. (Quaracchi, Florence: College of St. Bonaventura, 1931–64), 19.372; "Relatio vera de novis Insulis" in Antonine Tibesar, *Franciscan Beginnings in Colonial Peru* (Washington: Academy of American Franciscan History, 1953), 100–104.

> new doctrine, and yet continues in ways so unquiet that there is hardly any constancy of belief or religion left, hardly any zeal, even among Catholics, hardly any of the spirit of penitence.

Canisius then announces the imminence of "the destruction of the Empire and the devastation of Germany." Indeed, "the Kingdom of God and its infinity of good things may be transferred from us, its unworthy possessors, to other nations."[28]

The idea that rulership was contingent upon preserving and expanding Christendom reappeared during the next century, even among Protestants. The Lutheran jurist—and future convert to Catholicism—Christoph Besold (1577–1638) added an appendix to the second, 1623, edition of his translation of Tommaso Campanella's *Spanish Monarchy*.[29] In it Besold explicitly links universal empire to the spread of Christianity. The propagation of Christianity promotes a legal, cultural, and linguistic homogenization that lends itself to empire. Unfortunately, although the Holy Roman Emperors themselves had supported evangelization in Livonia and Prussia, Besold complained, they had not been persistent in these efforts, and the Spanish monarchy has taken up the lead in evangelization.[30]

Her colonies in America and the Philippines made the association of Spain with mission natural. Perhaps especially in missionary literature, Spain has the ability and right to establish a true Christian empire. If we trust Jesuit Nicolas Trigault's instincts as he sells the mission to the Philip III of Spain, the principal royal motivation for support is the resulting glory that the crown earns. Suggesting the greatness of the enterprise and the glory it will give the king,[31] Trigault notes that the extent of the missions will make a generous king's name known worldwide.[32] The mission's global range is clearly central. Trigault emphasizes the king's power and ability to execute this great enterprise, as well as the territorial extent of his mighty empire, on which "the sun always rises

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[28] Otto Braunsberger, ed., *Beati Petri Canisii Epistulae et Acta* (Freiburgi Brisgoviae: S. Herder, 1896–1923), II.281–84.

[29] Gerd Kleinheyer and Jan Schröder, eds., *Deutsche und europäische Juristen aus neun Jahrhunderten* (Heidelberg: C.F. Müller, 1996). 56–57.

[30] John M. Headley, "'Ehe Türckisch als Bäpstisch': Lutheran Reflections on the Problem of Empire, 1623–28," *Central European History* 20 (1987): 13, 20.

[31] Biblioteca de la Real Academia de la Historia, Madrid [RAH] Jesuitas 91, no. 28, fols. 2v, 9r.

[32] Ibid., fol. 9r.

and never sets."[33] Flattering Philip's labours through comparison with the efforts of other monarchs and of the king's own ancestors, Trigault points out that unlike the vain imperial goals of Nebuchadnezzar, the Spanish king's will be Christian—and so he can build an empire with pride.[34] Unlike the monuments of former kings, so susceptible to time, the missionary enthusiast cum king will have imperishable palaces in heaven.[35] Anticipating obstacles, Trigault denounces false "prudence" against foreign missionary spending by showing how cautiousness here rubs out the "catholic" name of the king.[36]

In the eyes of rulers, of the missionaries, and even of the converts themselves, the missionary project went hand in hand with the imperial project. After the rebellion of the Tarahumara Indians against the Spanish in northern Mexico, the Jesuit Joseph Neumann wrote of the continuing risk to *Christiandad*—suggesting what's most importantly at stake.[37] Another Jesuit likewise describes the rebels' punishment as a great service to Christendom.[38] In New Spain the secular and religious authorities blended together so intricately that offences against king became offences against God. One missionary explains that the only motivation for rebellion is the Indians' barbaric desire to escape the yoke of God and king by removing the priests and the Spanish so that they might return to live in freedom and vice, by which he probably meant polygamy.[39] Neumann speaks in one breath of "rebels and apostates."[40] Tellingly, a Jesuit in Goa borrows from the vocabulary of imperialism, describing "colonies" of Christians.[41]

Because of this parallel between colony and mission, from the secular authorities' perspective converts were loyal subjects.[42] Thus in his

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[33] Ibid., fol. 2v, 5r.
[34] Ibid., fol. 5r, 6r, 9r–v.
[35] Ibid., fol. 9r–v
[36] Ibid., fol. 8r–v.
[37] J. Neumann to Juan Fernández de Retana, Sisoguíchic, January 15, 1697, Archivo General de Indias [AGI], Seville, Guad. 156, fol. 1009r.
[38] Wenzel Eymer, Papigóchic, March 15, 1699, AGI Guad. 156, fol. 1023rv.
[39] J.B. Haller to Juan Fernández de Retana, Satevó, December 6, 1696, AGI Guad. 156, fol. 1008r.
[40] J. Neumann, "Certificación," Caríchic, December 16, 1698, AGI Guad. 156, fol. 1018v.
[41] November 25, 1672, Bayerische Staatsbibliothek, Munich, Codd. MSS. latinor. 26472, fol. 82v.
[42] Horst Pietschmann, *Staat und staatliche Entwicklung am Beginn der spanischen Kolonisation Amerikas* (Münster: Aschendorff, 1980), 39.

letter to the Spanish king Trigault points out the practical advantage to the empire if all the subjects were of one religion.[43] Around 1643, Macao's Chinese Christians (*moradores Chinas Christãos de Macao*) composed a memorial to John IV, who had recently accepted the crown from the restorers of Portugal's independence. Protesting their plight, they petitioned for permission to become "Brothers of the Confraternity of Jesus," to wear cloaks, to enjoy full property rights, to be required to do guard duty only at times of war, and to trade wherever the Portuguese trade. To strengthen their case they emphasize their religion and their loyalty: "The Christian Chinese citizens in the City of Macao state that they profess and always have professed themselves to be true vassals of your Majesty, having totally abandoned Chinese law and government, and obeying only the legal system and laws of Portugal, as is well known." They stressed moreover the long history of their civic service "from the very beginning of this city, when they formed the principal part of it," including the maintenance of the city's hospitals and of the altruistic Santa Casa da Misericórdia.[44]

Of course, none of this is incompatible with a sincere religious conviction of the importance of mission. The Portuguese kings often began their directions to royal and secular representatives with, "Forasmuch as the first and principal obligation of the Kings of Portugal is to forward the work of conversion by all means in their power…" The words were not empty, for the Jesuits took them seriously and clearly believed the kings did as well. Writing to Afonso VI in April 1657, Vieira reiterates the "first and principal" royal obligation to the missions, and reinforces it with a threatening warning: "The more that Portugal acts in keeping with this purpose, the more sure and certain is its preservation; and the more it diverges therefrom, the more doubtful and dangerous is its future."[45] The most dramatic instance of religious principle over worldly gain came at Goa. Although royal officials berated viceroy Constantino de Bragança for his fervour in making Christians of the local Banyans at the expense of the royal treasury, the viceroy rejoined that he would "prefer for the honour of the royal estate and

[43] RAH Jesuitas 91, no. 28, fol. 6v–7r.

[44] C.R. Boxer, "Macao as a religious and commercial Entrepôt in the sixteenth and seventeenth centuries," *Acta Asiatica* 26 (1974): 75–76.

[45] C.R. Boxer, *The Portuguese Seaborne Empire, 1600–1800* (London: Hutchison, 1965), 231.

the glory of His Highness, the conversion of the poorest Canarim in this island to all the profits derived from the lands thereof and carracks laden with pepper, and that he would risk everything for the salvation of a single soul." His words were not empty. After seizing a sacred tooth of the Buddha at Haffnapatam in 1561, Constantino rebuffed the exceedingly lucrative ransom offered by the King of Pegu, and handed the priceless relic over to the archbishop of Goa, who publicly demolished it with mortar and pestle.[46]

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In the second of his *Discorsi ai principi d'Italia* Campanella asserts that the ambition to universal rule is shared by all contemporary rulers, except the Chinese emperor.[47] In recent years world historians have made the same point, and with hindsight can include the Chinese. Sanjay Subrahmanyam, for example, points to the "early modern construct of Universal Empire" not just with the Habsburgs, but even in pre-Columbian America, Central and Southern Africa, South and Southeast Asia.[48] We now take a closer look at other appeals toward universal empire and universal mission.

Mughal India

As Islamic lords of a largely Hindu population, the Mughal emperors of India are likely candidates for using religion to justify rule. Babur, the dynasty's founder, presents himself as a *ghāzī*, a slayer of the infidel, after defeating an army of Hindus in 1527:

> For Islam's sake, I wondered in the wilds,
> Prepared for war with pagans and Hindus,
> Resolved myself to meet the martyr's death.
> Thanks be to God! a *ghāzī* I became.[49]

[46] John S. Strong, *Relics of the Buddha* (Princeton: Princeton UP, 2004), 1.

[47] Tommaso Campanella, *Discourse ai principi d'italia* (Torino: Chiantore, 1945): 98–101.

[48] Sanjay Subrahmanyam, "Connected Histories: Notes towards a Reconfiguration of Early Modern Eurasia," *Modern Asian Studies* 31 (1997): 738–39.

[49] *The Bābur-nāma in English*, trans. Annette Susannah Beveridge (New York: AMS Press, 1971): 2.575.

Babur's grandson Akbar probably also took up the title, after executing the Hindu Hemu at the battle of Panipat, and official histories name Akbar and his successors "caliphs." Shah Jahan described himself as "the shadow of God," and Aurangzeb as the "agent [*vakil*] of God on earth." Public audiences given by Akbar and Shah Jahan in the *jharokha-darshan* balcony gave the sense of "a traditional maharaja tinged with divine power"—to the extent that Aurangzeb discontinued the practice as too near human-worship for a Muslim to accept. Jahangir claimed divine sanction to his rule, but none of these Muslim rulers were enveloped in divinity to the extent of their Christian peers. The wars of conquest can only incompletely be considered holy wars. During the imperial invasion of Kangra (1572–73) two hundred cows, sacred to the Hindus, were purposefully slaughtered, but the army Babur defeated at Khanava at the beginning of his reign was composed of Muslims as well as Hindus.[50]

The famously tolerant Mughal religious policy was worked out by Akbar, who "had overthrown the conception of a state religion." Akbar's short-lived claim to be King of Islam was tied to the assertion of his authority to answer religious questions in the absence of a Mujtahid consensus, and the Din-I-Ilahi he developed was less a missionary religion than a way to develop his officers' devotion to him. Under Akbar there was no systematic effort to convert people to Islam. His ambition rather was an empire comprehending Muslim and Hindu in one polity, and the 1564 abolition of the *jizya* made, in theory, Hindus and Muslims both equal citizens. Akbar's liberalizing tolerance (which he sometimes contradicted in the pursuit of social reforms) was a political expedient as well as, apparently, a consequence of his sincere beliefs.[51] The Jesuit Giovanni Battista Peruschi reported rumours that Akbar was a Muslim who adopted aspects of other religions to secure the various faithfuls' support.[52] Still, in his letters Akbar emphasized conquest as "a means of making ordinances of Islam known far and wide and spreading the authority of the Prophet to territories where

[50] Sri Ram Sharma, *The Religious Policy of the Mughal Emperors*, 3d rev. ed. (Lucknow: Ananda, 1972): 24, 30–31, 127, 217–18.

[51] Ibid., 36, 49, 61.

[52] Letter 7, in *Historica relatio de potentissimi regis Mogor, a Magno Tamerlane Oriundi* (1598), quoted in E.D. Maclagan, *Jesuits and the Great Mogul* (London: Burns, Oates, & Washbourne, 1932), 52.

even his name had not been heard of before"[53] and after his victory at Chittor (1575) he impressed upon his officer corps that "With the help of our bloodthirsty sword we have erased the signs of infidelity from their minds and have destroyed temples in those places and also all over Hindustan."[54]

The best test case for the role of religion in Mughal expansion is the Bengali frontier. Of all India's interior provinces, only in Bengal did Islam become the majority religion. The islamization of Bengal is thus one of the early-modern world's most dramatic movements of a frontier of religious identity. Although the practical leadership role of Sufi brotherhoods is well established, Islamic political ideology was a minor factor in the incorporation of Bengal, especially compared to the roles played by Hindu merchant-bankers' financial strength and Mughal soldiers' military strength. On the Bengali frontier, the Ashrāf rulers' separation of state from religion, as well as their use of Muslim identity to separate themselves from the subject peoples, discouraged conversion efforts. Forceful promotion of religion would not make for a peaceful province. Imperial symbolism, rather than Islam, bound Mughal officers to their emperor, to each other, and to the expansionist state; once, a mixed group of officers swore an oath, the Muslims in the name of Allah and the Hindus in the name of Vishnu. Islam could even work against expansion: When ordered to defend the empire against the Arakanese, Mirza Nathan signaled his abandonment of the world by shaving his head and wearing a *faqīr*'s clothing, but even this was more a protest against the interruption of his leave than any protest against imperialism.[55]

The last Mughal rulers broke somewhat from the Akbar and Bengali precedents. Shah Jahan's wars (such as the conquest of Beglana) sometimes led to conversions, but this was never a central motivation. Wars during the time of Aurangzeb involved the destruction of idols, and he justified the conquests of Golkanda and Bijapur with the con-

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[53] Letter 3, in *Mukātabāt-i-'Allāmī (Inshā'i Abu'l Fazl): Letters of the Emperor Akbar in English Translation*, ed. Mansura Haidar (New Delhi: Munshiram Manoharlal, 1998).

[54] Abul Qasim Namakin, *Munshiat-l Namakin*, Aligarh Muslim University MS, ff 26a–32a, quoted in Iqtidar Alam Khan, "The Nobility under Akbar and the Development of his Religious Policy, 1560–80," *Journal of the Royal Asiatic Society of Great Britain and Ireland* (1968): 32.

[55] Richard M. Eaton, *The Rise Of Islam And The Bengal Frontier, 1204–1760* (Berkeley: University of California Press, 1996).

version of their temples into mosques. Even this destruction, however, could come after several years' delay, and especially in the potentially rebellious south temples were spared—ransomed by Hindus, according to English reports. Temples were built even during Aurangzeb's reign, even in Bengal.[56]

Qing China

Nurhachi was the first architect of the Manchu imperial legitimacy. His efforts began in 1607 when he claimed for himself the Mongol title *khan*, and by 1616 he had put the Chinese concept of the Mandate of Heaven to use in refounding a new ("later") Jin Dynasty.

His son Hong Taiji (r. 1626–1643) reinforced this legitimacy on both the Mongol and Chinese fronts, by winning the Yuan imperial seal from the son of the late Lingdan Khan, the Mongols' last great khan, and by giving the dynasty a new Chinese name, "Qing." In 1640 the well respected "Great Fifth" Dalai Lama (1617–82) formally acknowledged in the Manchu emperors the fulfillment of Third Dalai Lama's (1543–88) prophecy of a Mañjuśri incarnation who would bring the Chinese and Mongols into the Gelugpa sect of Tibetan Buddhism. Perhaps linguistic coincidences encouraged this: "Mañjuśri" resembled "Manju," the Manchu word for Manchu, and the dynasty's name is the first character in the name of the Qīngliáng 清凉 Mountains, which had been associated with Mañjuśri since the fifth century.[57]

In the nearer parts of Mongolia Hong Taiji supported the cult of Mahākāla, a version of the Hindu Śiva converted to Buddhism and popular among the Mongols as the protective tent deity Gur-gyi mgon-po. Because Mahākāla had been venerated especially by Kublai Khan, Qing endorsement of this cult linked the dynasty to a venerable imperial tradition.[58]

It was the Manchu themselves who then were "converted" to become patrons of a universalizing Confucianism, and inheritors of Confucian bureaucracy. In any case the Chinese would not have accepted

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[56] Sharma, 116, 168, 176, 178.

[57] See David M. Farquhar, "Emperor as Bodhisattva in the Governance of the Ch'ing Empire," *Harvard Journal of Asiatic Studies* 38.1 (1978): 12–13, 20.

[58] Pamela Kyle Crossley, *A Translucent Mirror: History and Identity in Qing Imperial Ideology* (Berkeley: University of California Press, 1999): 233–61.

an emperor who formally identified himself as a bodhisattva, but the empire's multiple languages, rather than dividing the realm, allowed the Manchu to pursue multiple unifying policies under which only their multilingual subjects could potentially recognize inconsistencies.[59]

Around the turn of the century Qing armies had broken the Oyrat Empire to envelope Dzungaria, and to incorporate the Mongolian claims to the inheritance of Genghis Khan's world empire into their repertoire of religious justifications of expansion. After backing the king of Tibet in a counter-coup against the fifth Dalai Lama, around whom the remnants of the Mongol power were gathering, the Qing finally conquered Tibet in 1718–20 and supported their own Dalai Lama. This final addition of the Tibetans' supernatural empowerment as universal Buddhist rulers rounded out the Qing's Mongol and Chinese sources of entitlement.

A political move, but one in keeping with the new status, was the Qing emperors' sponsorship of the publication of Buddhist works. The Kangxi emperor's preface to a history of Buddhism appended into the 1718–20 edition of the Mongolian Buddhist canon claims that Mañjuśri was "transformed into human form, and ascended the Fearless Lion Throne of gold; and this [was] none other than the sublime Emperor K'ang-hsi-Mañjuśri, who assisted and brought joy to the entire vast world," for the Emperor in fact "was the veritable Mañjuśri in his material essence."[60] This tradition took visual form in the painting "Ch'ien-lung as the Buddha"[61] and would endure even into vJigs-med-gsang-pavi-rdo-rje's important history of Mongolian Buddhism (1819).[62]

The Qianlong emperor (r. 1735–96) took care to conduct the rituals of the various peoples of the empire,[63] and imperial sponsorship protected the sites considered holy by the various religions, including

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[59] Farquhar, 27.

[60] Fol. 20a of the Index to the Ganjur, as transcribed by L. Ligeti, *Catalogue du Kanjur mongol imprimé* (Budapest: Société Körösi Csoma, 1942), I.334, cited in Farquhar, 9.

[61] Ch'ing-tai ti-hou hsiang 清代帝后像 (Peiping: Ku-kung po-wu-yüan, 1934–35), vol. 3, plate 3, reproduced in Harold L. Kahn, *Monarchy in the Emperor's Eyes: Image and Reality in the Ch'ien-lung Reign* (Cambridge: Harvard UP, 1971).

[62] vJigs-med-gsang-pavi-rdo-rje, *The Origin and Development of Buddhism in Mongolia* (Xining: Qinghai Nationalities Publishing House, December 1993), cited in Farquhar, 8–9.

[63] Angela Zito, *Of Body & Brush: Grand Sacrifice as Text/performance in Eighteenth-Century China* (Chicago: University of Chicago Press, 1997).

Islam. Although there is some scholarly debate on the sincerity of the Qing in patronizing these different religious vectors, the more important conclusion is that the subject peoples themselves seem to have had faith in the imperial sponsorship.[64]

Southeast Asia

Underlying the Burmese empire was the tenet that the purpose of a Buddhist state is the expansion of Buddhism by any means necessary. Through his blunt pretensions to being a bodhisattva the dynastic founder Alaungpaya (r. 1752–60) squandered the popular and monastic loyalty the relief work at the beginning of his reign had won him. Before directing his armies in the conquest of the Thai capital Ayutthaya, Alaungpaya declared himself the Arimittiya, the coming Buddha. The Thais' total incredulity did not stop his forces from sacking the city.[65]

His son Bodawpaya (b. 1740; r. 1782–1819) conquered Arakan and made repeated expensive attacks on Siam—presumably a motivation for the *sasana* reforms which, among other things, brought private land held as glebe back onto the tax roll.[66] Bodawpaya's desire for the Mahamuni Buddha statue, venerated for the legend that the Buddha himself praised its exactness as a "second Buddha," probably motivated his conquest of Arakan, and its translation to his own capital reinforced his claims of being a *cakkavatti*, a universal monarch,[67] as did his strict rule, which punished with death the killing of oxen or the drinking of alcohol. His policies provoked widespread hostility, and the Arakanese rebelled after a decade of foreign rule. His response was successful enough to stretch his empire to the Indian border of an expansionist British Empire eager to recoup its losses from the American revolution.

The Thai king Taksin (r. 1767–82) followed a path similar to Alaungpaya's, but stumbled. Taksin had evacuated Ayutthaya before Alaungpaya's conquering army, and then gathered his strength in the

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[64] Sudipta Sen, "The New Frontiers of Manchu China and the Historiography of Asian Empires: A Review Essay," *The Journal of Asian Studies* 61.1 (2002): 165–78.

[65] J. Kathirithamby-Wells, "The Age of Transition: The Mid-Eighteenth to the Early Nineteenth Centuries," in *The Cambridge History of Southeast Asia* (Cambridge: Cambridge UP, 1999), 2.235–36.

[66] Kathirithamby-Wells, 237.

[67] G.E. Harvey, *History of Burma* (London: Longmans, Green, and Co., 1925), 268.

east before expelling the Burmese from a reunified Thailand. After his conquest of Siam, an insensitive claim to being a bodhisattva provoked a rebellion, his deposition, and ultimately his execution. His chief general, known posthumously as Rama I (r. 1782–1809), took the throne and founded the Chakkri dynasty. Early Chakkri kings also made claims for being the *cakkavatti*, but these were less obnoxious than the Alaungpaya rulers', and their imperialism less pre-emptive.[68]

A World of World Conquerors?

It is probably poor form to invite Charles V, the Kangxi Emperor, and Bodawpaya into an essay without providing them a worthy conclusion. Certainly a religious ideology of universal rule played a role in the expansion of many early-modern states. Comprehensive analysis remains well beyond this essay's scope or its author's abilities, and several cases have gone unmentioned. The Charter of the Virginia Company (1609) claimed justification in a Christianizing and civilizing mission, a piety echoed eighteen years later when Louis XIII founded the Compagnie des Cents Associés pour le Commerce du Canada.[69] In an expanding Russian state conversion to Orthodoxy took on new urgency, and within the Ottoman borders the parallel ideal of universal rule ("cihandarlik") crops up again.[70] Although the limitations of available evidence recommend caution, scholars have argued that the identification of the Aztec god Huitzilopochtli with the universalist sun-warrior deity Tonatiuh, who had a great appetite for human sacrifices,

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[68] See Victor B. Lieberman, "The Political Significance of Religious Wealth in Burmese History: Some Further Thoughts," *The Journal of Asian Studies* 39.4 (1980): 763–68.

[69] Early Canadiana Online (Édits; Bas-Canada), *Édits, ordonnances royaux, déclarations et arrêts du Conseil d'État du roi, concernant le Canada*, http://www.canadiana.org/ECO/PageView/40523/0029?id=45328b00407b25a9, accessed September 7, 2005; *The Three Charters of the Virginia Company of London* (Williamsburg: Virginia 350th Anniversary Celebration Corporation, 1957), 2; see Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France, c. 1500–c. 1800* (New Haven: Yale UP, 1995), 34–35.

[70] A promising start comes with the essays in *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia*, ed. Robert P. Geraci and Michael Khodarkovsky (Ithaca, N.Y.: Cornell UP, 2001). See also Sen, 165–78.

went hand in hand with an imperial expansion driven by the need for taking captives.[71]

Perhaps, though, the centrality of religion to early-modern life makes its centrality to early-modern statecraft a foregone conclusion. More impressive is the diversity within the pattern. The Christian examples remain the most distinctive, largely for the prominence of professional missionaries and the importance of individual conversion. Little could be farther from the Qing's masterful unifying pluralism, likely better suited for an empire teeming with some six times the population of Charles V's. It is tempting to ascribe this difference to the fundamental dissimilarities between these eastern and western belief systems, differences we obscure with the common category of "religion." Nevertheless, the hamfisted Buddhist imperialism of southeast Asia matches and even exceeds its Christian analogues in terms of the ruler's spiritual pretensions, desire for homogeneity, and interest in social control. On the other hand, the Mughals' Islam is a western religion cut from the same mould as Christianity, yet it still most resembles the Qing case, for both were tolerant (or politic) to the point of avoiding proselytism. A better sense of what these imperial ideologies shared may result from a study with wider chronological parameters, for this particular commixture of religion and empire, taken broadly, is not unique to early-modern centuries; it surely predated them, and it remains with us today.

[71] Geoffrey W. Conrad and Arthur A. Demarest, *Religion and Empire: The Dynamics of Aztec and Inca Expansionism* (Cambridge: Cambridge UP, 1984), 28, 38, 44, 153.

ATLANTIC EXCHANGE IN HISTORY

Wolfgang Reinhard

Who invented human rights and democracy—the Americans or the French? With no regard to chronological order and in contrast to what came before, the French of the Third Republic after 1871 were no longer inclined to concede the right of the first born to the Americans, in particular because the American claim was supported by the German scholar Georg Jellinek. The great historian Jacques Godechot was the first to cut this Gordian knot. Together with the American Robert E. Palmer he presented the concept of a common "Atlantic Revolution" at the world congress of historians in Rome in 1955, and in 1963 he published his book "Les revolutions 1770–1799" about what he called "the occidental revolution".[1] From Godechot's point of view this new concept contained almost no political option and represented therefore a comparatively objective and serene view of history. He hoped that in this way he would prevent his classification as a NATO-ideologist. Instead, he denationalized history and treated all revolutionary movements and events on both sides of the Atlantic on the same level, reconstruction of the revolutionaries' transatlantic networks included.

His new approach was accepted but rarely used and was soon forgotten. Today, however, when Atlantic history is once again on the agenda,[2] this time in the wider context of world history or globalization, Godechot's book should be re-read despite the conceptual limits of his time.[3] In contrast to his perspective, historiography has in the meantime experienced an extension towards economic, social and a new kind of cultural history. But as in the days of Palmer and Godechot Atlantic history remains conceptually limited to North Atlantic history,

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[1] Jacques Godechot, *Les révolutions 1770–1799* (Paris 1963), 266.

[2] Cf. Horst Pietschmann (ed.), *Atlantic History. History of the Atlantic System 1580–1830* (Göttingen, 2002).

[3] Wolfgang Schmale, "Neu gelesen. Vor 40 Jahren: Jacques Godechot und die 'Révolution occidentale'" in *Wiener Zeitschrift zur Geschichte der Neuzeit*, 3, 2 (2003) 145–148.

the history of Atlantic exchange to the exchange between Western Europe and the United States.[4]

Certainly, even in the age of globalization the North Atlantic is still the field of the most intensive exchange in the world. Seventy percent of today's sea traffic traverses this part of the Atlantic. The percentages of air traffic, the exchange of goods and of people, as well as of financial transactions should not be very different.[5] From the historian's point of view globalization is nothing else than the deliberate extension of this system to other parts of the world through the political action of the United States and her satellites.[6] But the first expansion of Europe in the sixteenth century was also based upon Atlantic exchange, that is, upon the bullion of Spanish America which made European economic activities in Asia possible.[7]

Those 500 years of Atlantic exchange have been an extremely differentiated and conflict ridden process with complicated and even contradictory consequences. Atlantic exchange implies intensification of contacts over long distances, but that does not necessarily result in homogeneity and in the leveling of the participants. Indeed, quite the opposite can be true. Nobody, nowadays, doubts that there is such a thing as Atlantic history, but those who want to study it seriously have to use a differentiated categorical apparatus.

From North to South we may distinguish the British, the Spanish and the Portuguese Atlantic, but in doing this we are forced to accept that up to 1763 the British Atlantic was also a French Atlantic, that the Spanish Atlantic in the seventeenth century became the theatre of economic and warlike activities of most European naval powers, and that the internationalized Caribbean, which was the outcome of that development, as well as the Portuguese Atlantic in the South since the seventeenth century were an African Atlantic.

Under these circumstances we may follow David Armitage and distinguish Atlantic histories according to their degree of generality.[8] First, circumatlantic history, that is the history of transnational processes

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[4] David Armitage and Michael J. Braddick, eds., *The British Atlantic World, 1500–1800* (New York 2002).

[5] Holger Afflerbach, *Das entfesselte Meer. Die Geschichte des Atlantik*, Munich 2001.

[6] William Greider, *Endstation Globalisierung*, München 1998.

[7] Wolfgang Reinhard, *Geschichte der europäischen Expansion*, 4 vols., Stuttgart 1983–1990, vol. 1, 101; vol. 2, 110 f.

[8] David Armitage, *Three concepts of Atlantic History*, in: Armitage/Braddick (note 4), 11–27.

of exchange such as the slave trade. Next, transatlantic history, being the comparison of different colonial powers and their empires. John H. Elliott is preparing such a comparative study of British and Spanish America. Finally, cisatlantic history, which is the application of the Atlantic perspective to national, regional, even local cases such as the Atlantic character of West African or Irish history, or the Atlantic foundations of the rise of Salvador and Sevilla, of Nantes and Liverpool.

Of course, the study of shipboard life is essential in this context. But the Atlantic was never an autonomous "Waterworld." "Atlantic history" is first of all an abbreviation for the history of the people who lived on its coasts. Europe may be considered a gift of the Atlantic thanks to the gulf stream. But the ocean itself is not the harmless big pond in the center of the global village, quite the contrary, it is still fearsomely hostile to man and communication. Even today modern ships disappear in its storms, sometimes without trace.

Considering the fact that the Atlantic separated people completely for thousands of years before it became a field of exchange for them, Atlantic history might open with another blast of the trumpet, imitating the Gospel of John: "In the beginning was Columbus"—as Thomas Nipperdey wrote in the case of German history referring to Napoleon, but with less justification. It was an impossible task to discover America when sailing against the strong West winds of the North Atlantic. The Vikings got as far as Newfoundland about the year 1000 with the help of the sub-polar East winds, and the next chance did not arise before the fifteenth century when the Portuguese and the Spaniards reached the zone of the trade winds in the South. Columbus only executed what was historically overdue. As a Genovese who left the service of Portugal for that of Spain, after having acquired solid experience of navigation on the African coast and between the Atlantic islands recently occupied by the Portuguese, Columbus was virtually born to discover the world in the west. He had absorbed Italian maritime and colonial know-how and Iberian interests, which stimulated the early European expansion west and southwest of Gibraltar after 1432. Just as Iceland had been in the tenth century, Madeira and the Azores, the Canary and Cape Verde Islands, Sâo Tomé and Principe became in the fourteenth and fifteenth centuries bridges between the worlds. Sugar production on plantations found its way from the Mediterranean to Brazil via those islands. On the Canaries the Reconquista from Muslims was transformed into the Conquista from heathen, a new kind of activity without a claim to historical legitimacy.

Immediately after Columbus had crossed the Atlantic a far reaching process of biological exchange was released, quite adequately termed "Columbian Exchange" by Alfred W. Crosby[9] despite its largely unintentional character. Columbus and his successors carried with them the familiar European cultivated plants and domestic animals over the Atlantic, wheat and other cereals, vegetables and fruit trees, flowers and other ornamental plants, but also quite a few weeds. In northeastern America, an area of particularly intensive exchange, American species' still dominate the flora by 82%, but the biomass of the plants is nevertheless of old world origin. European agriculture replaced that of the indigenous people, despite their equally high development. Farms or large estates created agrarian landscapes of European character, with cities and villages built in Mediterranean or West-European style. The fence became the symbol of a new agrarian economy based upon private property, an exception in cultural history, unknown to the *indigenas*. Finally, in the nineteenth and twentieth centuries the plains of America were transformed into the granaries of the world economy.

European domesticated animals had no competitors in the new world. Horses and cattle, swine and sheep, goats and fowl arrived as early as 1493, dogs and cats, rats and mice followed soon afterwards. The role of horses and bloodhounds in the Spanish *conquista* is famous. Less well known is the importance of the black swine, herds of which were kept by the conquistadores, soon becoming wild and spreading everywhere. In contrast, the indigenous people had few domesticated animals and little access to animal protein. But they learned quickly how to use the new opportunities. New cultures of mounted hunters developed among the Indians of North and South America based upon herds of horses and cattle which had run wild. The mounted Indians of adventure stories and cowboy films are already a product of creative Atlantic cultural exchange!

The acceptance of new cultivated plants and domesticated animals and even more importantly, of a new economic and cultural way of life normally was regulated by the power relations between the groups involved, except in cases where the advantages were obvious and in addition met an urgent need. Nowadays mankind could not live with-

[9] Alfred W. Crosby, *The Columbian Exchange. Biological and Cultural Consequences of 1492*, Westport 1972.

out many of the cultivated plants of American origin such as maize, potato, sweet potato, manioc, new kinds of beans, peanut, new kinds of pumpkin, paprika, cacao, tobacco and others.[10] However, Europeans were reluctant to accept those crops, with one remarkable exception. Tobacco, an entirely new drug, became immediately popular worldwide. The first half of the seventeenth century was full of anti-smoking ordinances everywhere—but in vain.

On the level of microorganism the introduction of new bacteria and viruses through the Columbian exchange led to a demographic catastrophe in the New World. The indigenous had no immunity against Eurasian and pretty soon also against African infections. They died in large numbers not only from epidemics like smallpox, but even from such comparatively harmless infections such as influenza. They disappeared completely from some West-Indian Islands; in central Mexico and Peru their number was reduced by 95%.[11] The only kind of "present" they had to offer in return was a new variety of syphilis introduced to Europe by the first companions of Columbus.

Soon after Columbus's voyages, the Conquistadores created the Spanish Atlantic,[12] in theory not a colonial empire, but a composite monarchy, a system of free countries united with Castile in the same way as Aragon or Naples. Their native inhabitants were considered free subjects of the crown like the Spaniards. But the brutal reality of colonialism looked different. The axle of empire were the Flotas, which once a year carried European finished goods to Mexico and Peru, and returned loaded with the most precious of colonial raw materials, the silver of Northern Mexico and Peru. Spain's ambitious great power policy in Europe left the crown no choice apart from this system of exploitation. Ruling overseas had to pay for itself and in addition to produce a handsome profit for the king. Therefore, the pretensions of Spanish settlers in the new world could only be fulfilled at the expense of the Indians. Conquerors and settlers wanted to become rich and to lead a high life; we find artisans among them but no peasants. A completely Christianized and Hispanicized *indigena* in theory could become a member of this society with equal standing. Some native

[10] Wolfgang Reinhard, *Parasit oder Partner, Europäische Wirtschaft und Neue Welt 1500–1800*, Münster 1997, 157–175.

[11] Reinhard, *Geschichte* (note 7) vol. 2, 62 f.

[12] Reinhard, *Geschichte* (note 7) vol. 2, 58–114; Reinhard, *Parasit* (note 10), 39–76.

nobles and mestizos might even succeed in this. But generally the ability of the indigenous to accept Spanish culture and Christianity was called in question, and their willingness to try it was not encouraged. The result was a culturally stratified society, in reality a pigmentocracy, that is a stratification by skin color: Spaniards of European origin at the top, next the American Spaniards, the creoles, together with the native aristocracy, then the mass of the natives, and at the bottom the black slaves.

Crown and missionaries favored a model of separate development which in contrast to South Africa's later apartheid was meant seriously and therefore, when it could be realized as in the *reducciones* of Paraguay, produced remarkable alternatives. Instead of forced Hispanicization native languages were studied, taught and used for the propagation of the gospel. Still today Guaraní is the second official language of Paraguay. However, with Hispanicization as the ultimate goal of policy, the utopia of separate development could only enforce racist hierarchy instead of mitigating it.

As is the case with other systems of colonial rule the political order of Spanish America can be considered as an attempt to realize a political concept which the crown had not yet been able to enforce at home. Its bureaucratic absolutism was based upon cooperation with the local oligarchies, whereas neither feudalism in the Spanish tradition nor autonomy of the Church was tolerated.

The independent states of Latin America which later originated from this system had high pretensions but little real power to enforce their rule. The indigenous, on the other hand, perhaps have conserved their identity to the present day, but this has been done in a marginalized, defensive way. They were able to integrate Christianity in their belief systems, but the result never became attractive for outsiders—in remarkable contrast to the Afro-American religions of Brazil.

We might have expected a different outcome when we remember the first Franciscan missionaries who came to Mexico with the utopian project of realizing the kingdom of Christ together with the indigenous, because they believed that the latter led a life of uncorrupted simplicity and pure poverty. They failed as quickly as the Dominicans with their more rational concept to achieve equal economic, political and social rights for their protégés. What remains are mere echoes of those ideas. Modern international law originates from attempts to prove the legal equality of Indian political communities, and the model of perfect Christianity in the West had a North American puritan variety which

seems still, to a European, shockingly alive in presidential rhetoric and policy in the United States today.

The spectacular economic gains from the Atlantic exchange, however, proved harmful for Spain in the long run. The greater part of the American silver shipped back to Spain left the country immediately not only because it was used to pay for Spanish power politics in other parts of Europe, but also because of the difference of inflation rates in Spain and the rest of Europe caused by the input of bullion into the Spanish economy. Europeans sold at comparatively high prices in Spain, whereas Spaniards bought at comparatively low prices from other countries. In this way, the silver accumulated in the republic of the Netherlands and was used to finance that country's world trade and credit business. De-industrialization of the Iberian peninsula was the consequence of this. When, in the eighteenth century, Brazil became an exporter of gold and diamonds, Portugal had the same experience, except that in the meantime Britain had become the center of world trade instead of the Netherlands.

In the Portuguese empire of trade Brazil[13] originally played only a marginal role. But in the late sixteenth century it turned out that this country had to offer excellent conditions for sugar production which had so far been concentrated on the Atlantic islands. In contrast to there, the areas of Bahia and Pernambuco in Brazil could provide the productive factor land in abundance. This was essential because sugar cane exhausts the soil. However, labor was scarce, because the indigenous were not numerous enough and not used to this kind of agriculture. But the flourishing sugar business brought about the importation of black slaves who were the obvious alternative because they had been used on the sugar producing island of Sâo Tomé since the late fifteenth century. The Portuguese monopoly of trade with Africa acquired in the fifteenth century included the monopoly of providing Europe and Spanish America with black slaves. This trade had been rather limited but now began to expand because of Brazilian demand.

Being the center of world trade the Netherlands was also occupied with the sale of Brazilian sugar. Because Portugal was united with Spain from 1580 until 1640 it became involved in the war of the Dutch with Spain. For this nation of traders, the Portuguese colonies were a more

[13] Reinhard, *Geschichte* (note 7), vol. 2, 116–152; Reinhard, *Parasit* (note 10), 77–116.

attractive booty than Spanish America. In addition, they were also more vulnerable. Therefore, the Dutch West-Indian Company decided to take over the production of sugar together with its sale and, for that purpose, to conquer the Brazilian sugar country as well as the coasts of Guinea and Angola from whence the slaves came. After some decades, the Brazilians were able to chase off the Dutch and to re-conquer Angola with their own forces. The Dutch, however, remained at the Guinea coast and were soon joined there by other slave traders from Britain and France, from Denmark and Prussia.

This expansion of the slave trade was the consequence of the transfer of the sugar business to the Caribbean. Since the 1620's Spain's enemies had settled down in that area, which was a kind of soft under-belly of the Spanish empire. The English occupied Barbados, later Jamaica, the French Guadeloupe and Martinique, later Saint-Domingue (today's Haiti), the Dutch Surinam and Curaçao. Originally, the settlers grew tobacco but soon the Dutch, who had been forced to leave Brazil, managed to introduce sugar production there with African slaves, offering know-how and capital, slaves and transport facilities.

Brazil continued to produce sugar, but later needed slaves for the extraction of gold and diamonds, and finally, in the nineteenth century, for its coffee plantations. By that time, Cuba had become the focus of sugar production and the plantation economy had expanded to the Southern part of British North-America where cotton was grown for the expanding British textile industry. This "Plantation America", extending from Brazil to the Southern United States, did not result from a modified transfer of European ways of life like Hispano-American cities and New-England townships. It was the creation of the first capital-intensive agribusiness in history, it was an artificial world, and it was in particular artificial when considering its population of African slaves.

According to reliable calculations Europeans exported 10.6 to 11.6 million slaves out of Africa between 1450 and 1867. This number of forced migrants from Africa is more than three times greater than the complete European emigration to the Americas before the nineteenth century. Therefore, Plantation America became African and created an African Atlantic. Today, certain Caribbean islands have an entirely Afro-American population, others a black majority, or at least a high percentage of population of African origin. Of the 3.5 million inhabitants of Brazil in 1818, 1 million was counted as white, 0.5 million

as mulattos, and 2 millions as black—Indians were no longer even mentioned.[14]

Europeans obtained not only sugar and caries from Plantation America but also remarkable profits. The allegation, however, that Britain's industrialization was financed mainly by profits from the trade with slaves and sugar has not been verified.[15] These profits were certainly not the sufficient condition of industrialization, probably not even a necessary one. Nevertheless, this particular trade had important consequences for shipping, banking, and certain branches of production. Some seaport-towns gained by it, Nantes in particular, whereas Bordeaux, the second slave trader city of France, practiced this business in addition to several others. The same is true of Bristol and even of Liverpool where from 1795 to 1804 probably 85% of British, and 43% of world slave trade were handled.

The evaluation of the impact of the Atlantic slave trade on Africa is highly controversial.[16] Even taking possible positive consequences of the trade into not more than cautious consideration is considered as extremely politically incorrect. But there is at least agreement on the fact that the slaves as a rule were sold by the Africans themselves who were very successful in keeping the Europeans out of this side of the business. However, the correlation between the expanding slave trade and the rise of West-African military states such as Dahomey is less obvious than previous research supposed. Certainly, Angola suffered from a heavy loss of population but this was probably not the general state of affairs. On the contrary, it is possible that elsewhere in Africa the enforced skimming of excess population had similar positive economic consequences, just as the voluntary emigration from Europe to America had in the nineteenth century. It was certainly not by chance that the main slave trading regions of West Africa in the long run became the

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[14] Reinhard, *Geschichte* (note 7), vol. 2, 120; Reinhard, *Parasit* (note 10), 98–101; Philip D. Curtin, *The Atlantic Slave Trade. A Census*, Madison 1969; Paul E. Lovejoy, "The Volume of the Atlantic Slave Trade. A Synthesis", in *Journal of African History* 23/24 (1982), 473–501; Herbert Klein, "The Atlantic Slave Trade: Recent Research and Findings", *in* Pietschmann (note 2) 301–320, p. 319; Pieter Emmer, "In Search of a System: The Atlantic Economy, 1500–1800", in Pietschmann (note 2), 169–178, p. 173.

[15] Eric Williams, *Capitalism and Slavery*, Chapel Hill 1944.

[16] Klein (note 14) and Andreas Eckert, " The Impact of the Atlantic Slave Trade on Africa—Historiographical Controversies", in Pietschmann (note 2) 337–348.

economically and politically most developed countries of the continent and the pioneers of decolonization.

Returning ex-slaves from Brazil played an important role in West Africa, because the Atlantic transfer worked in both directions. The cultural dynamics of the African Atlantic especially should no longer be underestimated. This is clear in the case of its music which has become a part of the common cultural heritage of mankind. But it is equally true of religion. The development of a general Yoruba-identity among different groups of common language but different political affiliation apparently took place during the nineteenth and twentieth centuries partly by those living on Brazilian soil but who were in continuous contact with the Yoruba country in today's South-Western Nigeria. This refers in particular to the theology of the Yoruba with its pantheon of Orishas which has become a kind of common denominator of Afro-American religion between Brazil and the United States. Candomblé and Umbanda, which has been enriched with a certain dose of French spiritism, count millions of followers in Brazil. Umbanda, especially, has become very attractive to the white population, too.[17]

In symbiosis with the African Atlantic a Jewish Atlantic developed as a network of Sephardim, particularly of Portuguese extraction. Portugal and Spain had their Jews either banished or converted and founded their national inquisitions to prosecute crypto-Jews among the baptized new Christians. In contrast to Spain the Portuguese inquisition was not particularly active in America. Therefore, a considerable number of crypto-Jews lived in Brazil, and during the union with Spain 1580–1640 spread as so-called "Portuguese" over the Spanish empire. A remarkable example is the Atlantic trading network of such "Portuguese" merchants and slavers in Cartagena de Indias.[18]

To some extent the Dutch Atlantic in Africa, Brazil, the Caribbean and North America was also a Jewish Atlantic. Because of the compara-

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[17] Robin Law, "The Port of Ouidah in the Atlantic Community, 17th to 19th centuries", in: Pietschmann (note 2) 349–364; Rainer Flasche, *Geschichte und Typologie afrikanischer Religiosität in Brasilien*, Marburg 1973; Horst H. Figge, *Geisterkult, Besessenheit und Magie in der Umbanda-Religion Brasiliens*, Freiburg 1973; Pierre F. Verger, *Orisha. Les dieux Yorouba en Afrique et au Nouveau Monde*, Paris 1982; Ralph M. Becker, *Trance und Geistbesessenheit in Candomblé von Bahia*, Münster 1995; Angelina Pollak-Eltz, *Trommel und Trance. Die afroamerikanischen Religionen*, Freiburg 1995.

[18] Nikolaus Böttcher, *Aufstieg und Fall eines atlantischen Handelsimperiums. Portugiesische Kaufleute und Sklavenhändler in Cartagena de Indias von 1580 bis zur Mitte des 17. Jahrhunderts*, Frankfurt 1995.

tively high degree of religious toleration practiced in the Netherlands, economically important Sephardic communities existed especially in Amsterdam. In 1644 Dutch Brazil counted about 3000 Netherlanders (in addition to the servants of the West-Indian Company) and about 600 Jews, either Portuguese new Christians outed after the Dutch conquest or immigrants from the Netherlands.[19] Following Portugal's re-conquest of Brazil Jews were no longer tolerated. Therefore, by necessity the Sephardim played an important role for the already mentioned transfer of the plantation economy to the Caribbean islands. A Jewish community was founded on Curaçao in 1644. Recently the remnants of a seventeenth-century synagogue have been transferred from Surinam to the Israel Museum of Jerusalem. In 1654 the first Jews arrived at New York which in those days was still the Dutch colony of Nieuw Amsterdam. Recent research has demonstrated to what a remarkable extent circum-Atlantic Sephardic networks have contributed to the maintenance of the strong Dutch position in the Atlantic trade despite English navigation laws.[20]

But Jewish transatlantic migration remained limited. At the time of North American independence only about 2500 Jews lived on the territory of the United States. In 1763 the first synagogue was erected in Newport/Rhode Island. Between 1825 and 1925, however, more than 4 million Jews migrated to America, now mostly Ashkenazim from the Russian empire. Today, 40% of all Jews live in the United States.[21] Their economic, cultural and political interaction with old world Jews has created a new kind of Jewish Atlantic, which is mainly a part of the Anglo-American world.

In contrast to all other processes of Atlantic exchange British North-America was originally deliberately constructed as a closed New-Europe,[22] right from the beginning led by the conviction to that it would be a better Europe. This refers in particular to puritan

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[19] Reinhard, *Geschichte* (note 7), vol. 2, 124, *corrected after* Günter Böhm, *Los sefardies en los dominios olandeses de America del Sur y del Caribe, 1630–1750*, Frankfurt 1992, 69.

[20] Claudia Schnurmann, *Atlantische Welten. Engländer und Niederländer im amerikanisch-atlantischen Raum 1648–1713*, Köln 1998, 173, 191, 218 f., 229–252, 279 f., 294, 365.

[21] Peer Schmidt, "Les minorités religieuses européennes face à l'espace atlantique à l'époque moderne ", in Pietschmann (note 2) 83–96, p. 87 f.

[22] Reinhard, *Geschichte* (note 7), vol. 2, 168–225; Armitage/Braddick (note 3); Hermann Wellenreuther, *Niedergang und Aufstieg. Die Geschichte Nordamerikas vom Beginn der Besiedlung bis zum Ausgang des 17. Jahrhunderts*, Münster 2000; Hermann Wellenreuther, *Ausbildung und Neubildung. Die Geschichte Nordamerikas vom Ausgang des 17. Jahrhunderts bis zum Ausbruch der Amerikanischen Revolution*, Münster 2001.

New-England, which was to have an essential and lasting impact on the North American mentality. Closed world means coherent settlement with ideological and social integration of the immigrants and exclusion of the Indians. 'Red Indians' were considered as independent nations. In theory, this was a better status compared to Spanish-America where they became automatically included as subjects of the crown. In practice, however, this led to the marginalization and extermination of the indigenous peoples. The comparatively egalitarian and democratic society of the United States is founded upon the extermination of most of the native population. This took place because the economic basis of this new Europe was the cultivation of the soil by the immigrants themselves. According to their belief the lazy Indians had failed to fulfill God's command to cultivate the earth; therefore they were doomed to extermination.

From 1600 until 1775 more than 520,000 Europeans emigrated to British North-America.[23] At the same time more than 260,000 Slaves were imported. Most immigrants were English, German, Swiss or Irish Scots from Ulster. Transatlantic networks of compatriots and coreligionists paved their way. In 1770 the population numbers were more than 1,660,000 whites and more than 450,000 slaves.[24] This increase of both numbers cannot be explained in terms of immigration but only by enormous biological fertility. The conditions of life were better than in Europe, and it was possible to marry early and to have a large family.

This large population very successfully raised a broad range of agrarian products and carried them to a large extent in their own ships to the markets in Britain, the West-Indies, and the Mediterranean. As a comparatively wealthy society they became demanding consumers of European, particularly British finished goods. Incentives for the British production of textiles and hardware, for the service and finance sectors and for business organization were the consequences of this demand, but it is not possible to assess the whole contribution of the Atlantic trade to British investment and the gross national product. To a larger extent than the sugar- and slave trades the commodity trade with North-America may be considered as a necessary condition of industrialization, but it was, once again, certainly not the sufficient

[23] Alison Games, "Migration", in Armitage/Braddick (note 4) 31–50, p. 41.
[24] Reinhard, *Geschichte* (note 7), vol. 2, 199.

one.[25] However, it was a promising modern form of trade in the sense of Adam Smith when by mutual demand developed nations become each other's best clients.

The independence of the United States, which originated from the frustration of the colonists' claim to be equal or even better Britons than the Europeans, paved the way for a gigantic expansion of this market, because the North-West Ordinance, issued in 1787, together with the constitution, regulated the further growth of the union and institutionalized America's continental imperialism.[26] During this expansion of the United States in the nineteenth and early twentieth centuries 61 million emigrants left Europe,[27] much more than ever before, and most of them went to the States until they limited immigration in 1921. This particular Atlantic exchange was probably the most important of all. In Europe, it skimmed the excess of the explosive population growth which would otherwise have consumed the economic growth rate as happened in modern developing countries. In this way, the self-sustained growth first of the British, then of the entire North-Atlantic economy became possible. Because on the other hand America was provided with the labor force needed for the development of the continent and with the demand of an exploding market.

The invention of the steamer allowed man finally to master the age old traffic problems of the inhospitable North Atlantic. Whereas even the fastest sailing ship still needed a month or more from East to West traveling time was reduced to 15 days and less by steamers.[28] Together with the introduction of refrigeration this allowed suppliers to provide the world with North-American wheat and South-American beef. For the first time in history long distance transport of bulk goods became possible and profitable. Independent Latin America, and later colonial Africa, were integrated in this modern system of Atlantic exchange, but mainly as exporters of raw materials under British control, and in the twentieth century increasingly under North-American hegemony.

In 1866 the first cable across the Atlantic reduced the time for the exchange of information to a few hours; with wireless communication it became minutes or seconds only. Since 1956 trans-Atlantic phone

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[25] Reinhard, *Parasit* (note 10), 117–155.
[26] Reinhard, *Geschichte* (note 7), vol. 2, 217.
[27] Pieter Emmer, "European Expansion and Migration: the European Colonial Past and Intercontinental Migration. An Overview", in: Itinerario 14/1 (1990) 11–24.
[28] Afflerbach (note 5), 267.

calls by cable became possible, and since 1965 a further advance was made with satellite communication.[29] Huge steps have been made in air travel. After the Second World War the improved airplane reduced traveling time to several hours.

Common political interests developed, first between West Europeans and Americans in two wars against Germany. In 1941 their war aims were formulated on a warship in the middle of the ocean; they were suitably called the Atlantic Charter. In 1949 the common defense system against the communist world was called the North Atlantic Treaty Organization, an essential component of the treaty and intervention system of the now leading Atlantic power the United States. Because of the growing weight of East Asia, and after the dissolution of the Soviet Union, America may eventually become less interested in Europe and the Europeans less dependent on the United States. But the basic situation that no other region of the world is economically and culturally as closely connected as the countries on both sides of the Northern Atlantic has not changed.

This shifting of the balance is not limited to the economic and political spheres, it includes also a displacement of the cultural center of gravity towards the United States. This is not surprising because the "hard power" of the economic and political world as a rule produces "soft power" in the world of culture. The continuous expansion of the English language is the most eloquent proof of this.

As early as about 1900 the United States tried to support its pretensions as a great power by the claim to be a great power also in the field of culture. But the point of reference remained French culture which was universally accepted as the leading one, in particular in Latin America. Culturally, Paris certainly led the world, whereas London and Madrid played only a secondary role as cultural models for the English or Spanish speaking countries. Under the banner of France, the nineteenth century, from the point of view of culture, was America's "European century".[30]

But there were remarkable exceptions from this cultural dominance of France, among them an "Atlantic exchange in history" of a different and very specific kind, because it was not France but Germany which

[29] Afflerbach (note 5), 323.

[30] Thomas Fröschl, "Antiamerikanismus in Europa und Lateinamerika. Sieben historische Dimensionen", in *Wiener Zeitschrift zur Geschichte der Neuzeit*, 3/2 (2003) 82–97.

set the example for the worldwide professionalization of historical scholarship. Based upon the groundwork of scientific and institutional standards created by eighteenth-century academies and universities, in the early nineteenth century German historiography developed critical research in all fields of history, in modern history with Leopold von Ranke who in addition with his *Deutsche Geschichte im Zeitalter der Reformation* 1839–1847 provided the German *Bildungsbürgertum* with a historical foundation of its protestant national identity. History became essential for education and a key subject at the reformed German high schools and universities.

In contrast, North American historiography began to professionalize only after 1870 and then slowly. Up to that time, history in the United States was mostly left to enthusiastic amateurs who were inclined to identify the history of their nation with the advance of civilization. But some of the few professional historians had studied in Germany, admired Ranke and introduced German seminar-style teaching to American universities. They founded the American Historical Association in 1884 and made Ranke an honorary member in 1885. In 1887 his private library was bought by Syracuse University.[31] Ranke was admired not only as the master of minute examination of sources but also for his historical syntheses and their political motivation. The number of full time professors of history at American universities and colleges increased and history became a part of secondary school curricula.

But despite some stimulating direct links and a German-American professorial exchange after 1905 the two historical professions developed in different directions. America's "New History" included the study of economy, society, and ideas when most of German historiography remained under the spell of political historism. American historians who praised German historiography in public were quite critical about it in private letters. Translations of German historical publications in America remained as exceptional as German translations of American books. Finally, after 1914 most contacts broke down. Studies on European history were expanding in the United States, but books on

[31] Gabriele Lingelbach, "Erträge und Grenzen zweier Ansätze. Kulturtransfer und Vergleich am Beispiel der französischen und amerikanischen Geschichtswissenschaft während des 19. Jahrhunderts" in Christoph Conrad, Sebastian Conrad (eds.), *Die Nation schreiben. Geschichtswissenschaft im internationalen Vergleich*, Göttingen 2002, 333–359, hier 341 Anm. 23. Lingelbach's *essay is based upon* Id., *Klio macht Karriere. Die Institutionalisierung der Geschichtswissenschaft in Frankreich und den USA in der zweiten Hälfte des 19. Jahrhunderts*, Göttingen 2002.

German history were rare. Publications on American history in Germany were even rarer.[32]

When after the second World War the American period of European history began, this definite cultural dominance of the United States included history. American historical scholarship had become the world's leader, the most vigorous and multifaceted. Whereas in the nineteenth century German scholarship had exercised formative influence upon a professional newcomer beyond the Atlantic, the situation had now been reversed. For some decades a richly appointed, multifaceted, methodologically advanced historical profession in the United States influenced a politically flustered, methodologically stagnant historical profession in the Western part of a divided German nation.[33] European studies in general and European history in particular continued to expand in the United States. A significant documentation is provided by the successive annual issues of the former "Historians of Early Modern Europe Newsletter". In contrast, a sojourn in the United States became popular as a prestigious distinction mark in the career of West German historians, but studies in American history remained limited to a closed community of specialists.

German refugee scholars contributed to that expansion of American scholarship, but historians less than social and natural scientists, because their number was smaller. Jews and leftists were rare among German academic historians compared with Anthropology, Economics, Sociology and the Sciences.[34] But there was one notable exception: the study of Renaissance Italy, which after 1945 almost became an Anglo-American monopoly, due to the combined emigration of philosophers, art historians, and some historians such as Hans Baron[35] who was working at the Newbury Library, Chicago. But originally Hans Baron had also been interested in the history of what later became called the Urban

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[32] Ernst Schulin, "German and American Historiography in the Nineteenth and Twentieth Centuries" in Hartmut Lehmann, James J. Sheehan (eds.), *An Interrupted Past. German-Speaking Refugee Historians in the United States After 1933*, Washington/DC, Cambridge 1991, 8–31; Lingelbach (note 31) 341–349.

[33] Schulin (note 32) 10, 30.

[34] Karen J. Greenberg, "Uphill Work". The German Refugee Historians and American Institutions of Higher Learning" in Lehmann, Sheehan (note 32) 94–101; Kenneth D. Barkin, "German Émigré Historians in America: The Fifties, Sixties, and Seventies" in Lehmann, Sheehan (note 32). 149–169.

[35] Barkin (note 34) 167 f.

Reformation.[36] Eric Cochrane wanted their common student Thomas A. Brady, Jr. to work on Italian history. However, because Brady—since his undergraduate days—had preferred German culture and history, Baron suggested a study of Jacob Sturm and Strasbourg in Alsatia to him.[37] Strasbourg is a French city of German origin and therefore in several respects a very European city.

His intellectual upbringing and his independence because of his American origin enabled Brady to communicate critically with the different "schools" of European and German historiography of the time, even with the Marxist historians of the late German Democratic Republic. Over the years he wrote his Strasbourg based trilogy on urban reformation policy[38] as a contribution to German history intended to replace Ranke's outdated national and authoritarian image of the German Reformation by an ensemble of interlinked histories on local, regional and imperial levels including the active participation of common folk. On the other hand, he very successfully presented up to date European late medieval and Reformation history to the American historical profession.[39] Hopefully present and future cultural Atlantic exchange may be characterized by this kind of egalitarian communication and creative interaction—once attempted by Godechot without much success—and not of by lust to dominate and by artificially created antagonistic stereotypes.

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[36] Thomas A. Brady, Jr., "German Imperial Cities, Reformation, and Republicanism—The Legacy of Hans Baron" in Peter Burschel et al. (eds.), *Historische Anstöße. Festschrift für Wolfgang Reinhard*, Berlin 2002, 40–54.

[37] Thomas A. Brady, Jr., *Ruling Class, Regime and Reformation at Strasbourg, 1520–1555* (Studies in Medieval and Renaissance Thought 22) Leiden 1978, XIII; Id., *Protestant Politics: Jacob Sturm (1489–1553) of Strasbourg and the German Reformation*, Atlantic Highlands 1995, XIII f.; Id., *Communities, Politics, and Reformation in Early Modern Europe* (Studies in Medieval and Reformation Thought 68) Leiden 1998, XV.

[38] Thomas A. Brady, Jr., *Ruling Class* (note 37); Id., *Turning Swiss. Cities and Empire, 1450–1550*, Cambridge 1985; Id., *Protestant Politics* (note 37), *extended German translation*: Id., *Zwischen Gott und Mammon. Protestantische Politik und die deutsche Reformation*, Berlin 1996.

[39] Thomas A. Brady, Jr. et al. (eds.), *Handbook of European History 1400–1600. Late Middle Ages, Renaissance and Reformation*, 2 vols., Leiden 1994–195; Id., *The Protestant Reformation in German History*, Washington/DC 1998.

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